



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 7590 OF 2024

Madhura Balaji Koli and another .. Petitioners

Versus

The State of Maharashtra and another .. Respondents

Shri Vivekanand U. Jadhav, Advocate for the Petitioner.
Shri K. S. Patil, A.G.P. for the Respondent Nos. 1 and 2.

**CORAM : MANGESH S. PATIL AND
SHAILESH P. BRAHME, JJ.
DATE : 31 JULY 2024.**

FINAL ORDER (Per Shailesh P. Brahme, J.) :-

. Heard both the sides finally considering exigency expressed by the petitioners.

2. Petitioners are challenging common judgment and order dated 04 July 2024 passed by the respondent No. 2/Scrutiny Committee confiscating and invalidating their validity certificates for 'Koli Mahadev' (Scheduled Tribe).

3. Petitioners rely upon validity certificate of petitioner No. 1's father Balaji. According to petitioners it was issued after following due procedure of law and considering relevant record of Bhanudas Bhagwan Koli of 1340 Fasli, which has greater probative value. Learned counsel for the petitioners submits that the Scrutiny Committee did not consider that the persons whose caste is recorded as Koli are not related to the petitioners, though

the stand was taken by the petitioners in reply to the vigilance report.

4. Learned Assistant Government Pleader would support impugned judgment and order. He would submit that there are contrary entries of blood relatives of the petitioners as well as the validity certificate of father of petitioner No. 1 was procured by suppressing material facts. He would submit that show cause notice has been issued to the father of the petitioner No. 1.

5. We have gone through the genealogy. Balaji is the father of the petitioner No. 1, who is issued with the validity certificate. There is vigilance enquiry conducted in his matter in which there is reference to record of 1955 of Bhanudas Bhagwan Koli indicating caste as Koli Mahadev and it was considered by the vigilance officer. Balaji was issued with validity certificate after considering relevant record. We are of the considered view that due procedure was followed while issuing validity certificate to Balaji. It would enure to the benefit of the petitioners.

6. It reveals from record that Scrutiny Committee did not consider reply filed by the petitioners to the vigilance report in which the petitioners have specifically denied any relationship with Sukumar, Kamal, Kaka and Popat. Scrutiny Committee only referred the contrary entries of above referred persons. Scrutiny Committee failed to conduct the scrutiny objectively and committed perversity. We find that impugned judgment and order is unsustainable.

7. Learned counsel for the petitioners undertakes to abide by the conditions as laid down in the matter of **Shweta Balaji Isankar Vs. The State of Maharashtra and others judgment dated 27 July 2018 in W. P. No. 5611 of 2018**. The petitioners are entitled to validity certificates on certain conditions. We therefore, pass following order.

O R D E R

- (a) The writ petition is allowed partly.
- (b) The impugned judgment and order dated 04.07.2024 passed by the respondent No. 2/Scrutiny Committee is quashed and set aside.
- (c) The respondent No. 2/Scrutiny Committee shall issue validity certificates to the petitioners of 'Koli Mahadev' (Scheduled Tribe) immediately.
- (d) Said validity shall be subject to the outcome of reverification proposed by the Scrutiny Committee of the validity holder.
- (e) Petitioners shall not be entitled to claim equities.
- (f) Writ petition is disposed of in above terms.

[**SHAILESH P. BRAHME, J.**] [**MANGESH S. PATIL, J.**]

bsb/July 24