



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.691 OF 2023

Mr. Girish S/o Gulab Deoraj,
Age: 32 years, Occu.: Nil,
R/o.: Anant Nagar, Chopda,
Taluka Chopda, Dist. Jalgaon.

..Petitioner

Versus

1. The State of Maharashtra,
Through its Principal Secretary,
Tribal Development Department,
Mantralaya, Mumbai-32.

2. The Scheduled Tribe Certificate
Scrutiny Committee, Dhule Division,
Dhule, through its Member Secretary

..Respondents

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Mr. S. R. Barlinge, Advocate for the Petitioner.

Mr. P. S. Patil, Addl. GP for Respondent Nos.1 and 2.

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**CORAM : SMT. VIBHA KANKANWADI AND
S. G. CHAPALGAONKAR, JJ.**

DATED : 05th JANUARY, 2024.

JUDGMENT (Per: S. G. Chapalgaonkar, J.):-

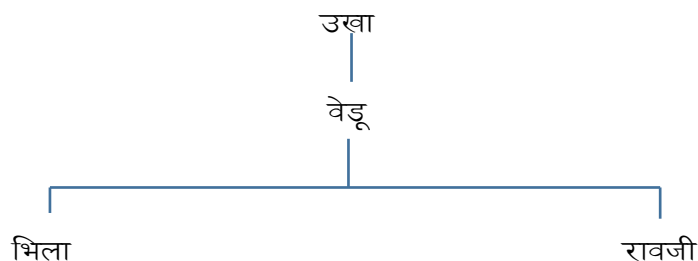
1. Rule. Rule made returnable forthwith. With the consent of the parties, matter is taken up for final hearing at the admission stage.

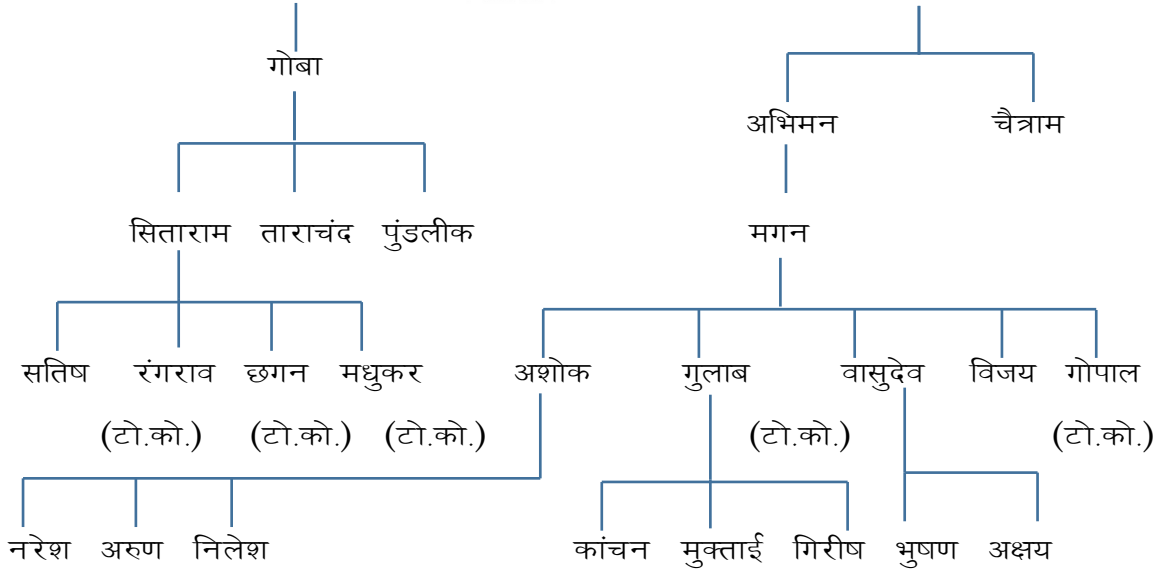
2. The petitioner impugns the judgment and order dated 21.10.2022 passed by the Scheduled Tribe Certificate Scrutiny Committee, Dhule Division, Dhule by which the petitioner's claim for 'Tokre Koli', Scheduled Tribe has been invalidated. The petitioner further seeks to issue Writ of Mandamus against the committee for issuance of the validity certificate in his favour as belonging to 'Tokre Koli', Scheduled Tribe.

3. Mr. Barlinge, learned Advocate appearing for the petitioner would submit that on 03.08.2008 the caste claim of the petitioner was referred to respondent no.2-Committee for verification. The petitioner has supported his claim by validity certificate dated 18.07.2005 issued in favour of his real uncle namely Mr. Vijay Magan Deoraj. Similarly, the father of the petitioner has been granted validity certificate dated 21.07.2007. The petitioner's sister Kanchan Gulab Deoraj received validity certificate on 26.06.2007. The cousin brothers of the petitioner namely Naresh Ashok Deoraj, Nilesh Ashok Deoraj and Dinesh Ashok Deoraj have been granted caste validity certificates. He would further submit that Chhagan Sitaram Deoraj has been caste validity on the basis of order dated 31.03.1998 passed by this Court in Writ Petition No.2741/1991. However, the Committee rejected petitioners claim merely relying upon the fact that his real sister's claim (i.e. Muktai Gulaj Deoraj) has been negated by the Committee and its order had been confirmed by this Court in Writ Petition No.8776/2010 vide order dated 06.12.2010. Mr. Barlinge would further submit inspite of judgment in case of Muktai, recently, this Court validated the claims of the other blood relatives of the petitioner namely Purnima Chunnilal Deoraj (Writ Petition No.12632/2021) and Madhavrao Rupchand Deoraj (Writ Petition No.8284/2021) vide judgment and order dated 23.12.2021, Ujwal Vilas Deoraj (Writ Petition No.356/2021) dated 13.01.2021 and Hemangi Madhukar Deoraj (Writ Petition No.7307/2021) vide order dated 03.08.2021. He would, therefore, urge that the denial of validity to Muktai i.e. real sister of the petitioner itself cannot be treated as impediment for validation of caste claim of the petitioner. He would, therefore, urge to allow the Writ Petition and direct the Committee to grant certificate of validity in favour of the petitioner as belonging to the '*Tokre Koli*', Scheduled Tribe.

4. Mr. Patil, Addl. G.P. vehemently opposes the petition. He would submit that the validity of the caste claim of the petitioner's father or uncle would be of no consequence, since this court while approving invalidation of the caste claim of the Muktai discarded those validates vide judgment dated 06.12.2010. He would submit that although this Court allowed the caste claims of blood relations i.e. Purnima Chunnilal Deoraj, Madhavrao Rupchand Deoraj, Ujwal Vilas Deoraj and Hemangi Madhukar Deoraj, petitioner cannot borrow any benefit in light of the invalidation of the caste claim of real sister Muktai. He would point out that judgment in Writ Petition No.356/2021 filed by Ujwal Vilas Deoraj, is decided without noticing invalidation of the caste claim of Muktai. The judgment of this court in case of Muktai was suppressed from this Court. The same is the case in Writ Petition No.7307/2021 filed by Hemangi Madhukar Deoraj. He would, further, urge that both orders dated 23.12.2021 in case of Purnima Deoraj and Madhavrao Deoraj have been passed only because claims of the Ujwal Vilas Deoraj and Hemangi Madhukar Deoraj were granted under orders of this Court. He would, therefore, submit that the order relied upon by the petitioner are obtained by suppression of the material facts. The Committee has rightly considered aforesaid aspects in great detail and negated caste claim of the petitioner.

5. Having considered submissions advanced, it is apparent that the petitioner seeks validity of caste certificate for 'Tokre Koli', Scheduled Tribe issued by the Sub Divisional Officer, Amalner. The petitioner has placed on record the affidavit of his father Gulab Magan Deoraj, which contains the genealogy, that reads as under:





6. The petitioner relies upon the various caste validity certificates granted by the Scrutiny Committee to paternal blood relatives. It would be appropriate to mention details of such certificates in tabular form for ready reference, which are as under:

Sr. No.	Name	Relation with Petitioner	Date of Granting Validity Certificate	Particulars of Court order
1.	Chagan Sitaram Deoraj	Uncle	—	WP/2741/1991 dated 31.03.1998
2.	Dinesh Chhagan Deoraj	Cousin Brother	29.06.2005	—
3.	Vijay Magan Deoraj	Real Uncle	18.07.2005	—
4.	Naresh Ashok Deoraj	Cousin Brother	31.05.2007	—
5.	Kanchan Gulab Deoraj	Real Sister	26.06.2007	—
6.	Gulab Magan Koli	Father	21.07.2007	—
7.	Ujwal Vilas Deoraj	Cousin Brother	2021	WP/ 356/2021 dated 13.01.2021
8.	Hemangi Madhukar Deoraj	Cousin Sister	2021	WP/7307/2021 dated 03.08.2021
9.	Purnima Chunnilal Deoraj	Paternal Aunt as seen in WP/12632/2021	2021	WP/12632/2021 dated 23.12.2021

10.	Madhavrao Rupchand Deoraj	Paternal Uncle as seen in WP/8284/2021	2021	WP/8284/2021 dated 23.12.2021
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7. At this stage, it would be appropriate to refer to the observations of Supreme Court of India in the matter of ***Apoorva Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee***¹, wherein it is held that caste validity granted to the blood relatives of the candidate would be the relevant and possess probative value, and cannot be ignored unless Committee forms opinion that validity was obtained by fraud and also in addition initiate proceedings for cancellation. Recently, the Supreme Court of India in case of ***Mah. Adiwasi Thakur Jamat Swarakshan Samiti Vs. The State of Maharashtra and Ors.***² observed that if the applicant is relying upon the caste validity certificate granted to his blood relatives, it would have great probative value. The Committee in such case has to find out whether the certificate relied upon by the applicant is genuine, if applicant establish the relation with such validity holder and if such validity certificate has been granted after holding due inquiry and following due procedure. However, if it is established that the validity certificate has been granted without holding proper inquiry or without recording reasons, the Scrutiny Committee may not validate caste certificate of applicant only on the basis of the such validity certificate of the blood relative.

8. Applying the aforesaid principles of law in the facts of the present case, it is apparent that the caste validity certificates issued in favour of the blood relatives of the petitioner would attach great probative value unless it is observed that such certificate is tainted by fraud or sans requisite backup of procedural compliance contemplated under the Act of 2000 and Rules framed thereunder. In the present case, the caste claims of petitioner's father and real uncle have been

¹ 2010 (6) Mh.L.J. 401.

² 2023 (2) Mh.L.J. 785.

validated in the year 2005. Pertinently, caste validity granted to the father and uncle of the petitioner was considered while scrutinizing caste claim of Muktai i.e. real sister of the petitioner. The Committee for the reasons recorded refused to validate her caste claim. The said order was subjected to challenge in Writ Petition No.8776/2010 before this Court. This Court vide judgment dated 06.12.2010 affirmed the view taken by the Committee and consequential rejection of the caste claim of Muktai.

9. It is pertinent to note here that in the year 2021 this Court granted caste validity to Purnima Chunnilal Deoraj and Madhavrao Rupchand Deoraj, who are paternal blood relatives of the petitioner in Writ Petition Nos.12632/2021 and 8284/2021. Pertinently, rejection of the caste claim of Muktai was brought to the notice of this Court. Even after considering the same, this Court ordered the Committee to issue validity certificates in favour of those petitioners with rider that in case of revival of the claims of paternal relatives of the petitioner, the Committee shall be at liberty to take appropriate steps against the petitioners. Similarly, this Court considered the fact that Chhagan Sitaram Deoraj who is blood relative from paternal side of the petitioner has been granted validity in Writ Petition No.2741/1991 vide order dated 31.03.1998.

10. Since, the Co-ordinate Bench of this Court recently in the year 2021, pleased to grant caste validity in favour of the blood relatives of the petitioner, even after taking note of invalidation of the Muktai's caste claim as affirmed by this Court in the year 2010, it would be appropriate for us to follow the recent view and adopt same course even in case of petitioner. Pertinently, there is no dispute that caste validity holders, who have been granted such certificates under orders of this Court are blood relatives of petitioner from paternal side. Even till this date none of the caste validity granted to the petitioner's

blood relatives has been reopened observing fraud or procedural lapse in granting validity.

11. Resultantly, Writ Petition succeeds in terms of prayer Clauses 'A' and 'B'. The respondent no.2-Committee shall issue validity certificate in favour of the petitioner as belonging to '*Tokre Koli*', Scheduled Tribe within a period of three months from the date of receipt of this order.

12. Rule made absolute in above terms.

(S. G. CHAPALGAONKAR)
JUDGE

(SMT. VIBHA KANKANWADI)
JUDGE

Devendra/January-2024