



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.11886 OF 2024

1. HITESH DINESH SONAWANE
2. NAYAN DINESH SONAWANE
3. DINESH PRABHAKAR SONAWANE

VERSUS

1. THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY TRIBAL DEVELOPMENT DEPARTMENT, (SOCIAL JUSTICE DEPARTMENT),
MANTRALAYA, MUMBAI – 32
2. JOINT COMMISSIONER, SCHEDULED TRIBE CERTIFICATE SCRUTINY COMMITTEE, DHULE ADD. SINDHU MANIK,
SURVEY NO.53 NEAR EAKVIR DEVI HIGH SCHOOL SHARADA NAGAR
DEVPUR DHULE - 424005

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Advocate for the Petitioners : Mr. Thorat Mohanish V.
AGP for Respondents: Ms. Neha B. Kamble

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CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.

DATE : 25.10.2024

PER COURT:

Heard both the sides.

2. Irrespective of the merits, which even according to us, are in favour of the petitioners, to substantiate thier claim of being persons belonging to 'Tokre Koli' scheduled tribe. As is being pointed out, admittedly, the petitioners have been relying upon the validities of Prabhakar Goto, who is none other then petitioner Hitesh and Nayan's grandfather, Bhila, who happens to be the real brother of Prabhakar and

Ganesh Prabhakar who is their real uncle. By suspecting fraud perpetrated by them while obtaining the certificates of validity, they were issued with a show cause notice by the committee. By the order of the even date that is date on which the impugned order was passed, by a separate order, for the reasons recorded therein, the committee has revoked the show cause notices issued to them, thereby, confirming their certificates of validity. For this reason alone, apart from the merits, the petitioners are entitled to have the certificates of validity.

3. Besides, the impugned order conveniently discards the older favourable record of the blood relative of the year 1913, 1936 and 1941 and readily accepts the contrary record of the subsequent period ignoring the trite legal position that the older record would carry greater probative value.

4. The writ petition is allowed. The impugned order dated 16.02.2023 is quashed and set aside. The petitioners shall be issued with the certificates of validity of ‘Tokre Koli’ immediately.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

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