IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION (STAMP) NO. 2017 OF 2021

Shailesh Ramesh Jadhav ...Petitioner

vs.

The State of Maharashtra & Ors. ...Respondents

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Mr. R. K. Mendadkar for the Petitioner.
Mr. V. M. Mali, AGP for Respondent Nos. 1 & 2.
Mr. Aadesh Sawant for Respondent No. 3.

CORAM : S.C. GUPTE AND
SURENDRA P. TAVADE, JJ.

DATE : 29 JANUARY 2021

P.C. :

. Heard learned counsel for the Petitioner and learned AGP for the Respondent-State.

2. Rule. Rule taken up for hearing forthwith by consent of counsel.

3. This petition challenges rejection by Respondent No. 2 Scheduled Tribe Certificate Scrutiny Committee of the caste tribe validity certificate claimed by the petitioner. The Petitioner claims to belong to the Scheduled Tribe of “Koli Mahadev”. The Petitioner has relied on the description in school records of his immediate paternal blood relations including his father, one Ramesh Sonu Jadhav, and his sisters, all of whom are described as either Koli Mahadev or Mahadev Koli in the school records. The Petitioner has also relied on the validity certificates issued by Respondent No. 2 Scrutiny Committee in favour of his father, Ramesh Jadhav, and his two sisters, one Anita Ramesh Jadhav and one Jaishree Ramesh Jadhav.

Despite this material, validity certificate has been denied to the Petitioner by Respondent No. 2 purportedly on the ground that some of the relations of the Petitioner are simply described in their school records either as "Koli or Hindu Koli". Secondly, it is claimed that according to the information furnished to the vigilance cell, the Petitioner does not appear to be having cultural affinity with the tribe of Koli Mahadev.

4. The Petitioner's case before us is that the persons who are described in the school records allegedly as 'Hindu Koli' or 'Koli' are not immediate blood relations of the Petitioners. Out of the school records considered by the Scrutiny Committee, there appear to be four persons (out of 18 relations considered by the Scrutiny Committee) who are described as either 'Hindu Koli' or 'Koli'. Of these four persons, one Dattatray Kendu Gujar is claimed to be a cousin uncle ("Chulat Chulate") of the Petitioner, whereas the remaining three people (mentioned at serial Nos. 16, 17 and 18 on Page No. 2 of the impugned order dated 19 January 2021) are admittedly not having any relationship with the Petitioner. It is important to note that all other relations of the Petitioner, whose school records are considered by the Scrutiny Committee, are described either as 'Hindu Mahadev Koli' or 'Hindu Koli Mahadev' in such records. These relations include the Petitioner's own father as well as his four sisters. As we have noted above, the Petitioner's father and two sisters even have validity certificates issued to them by the Scrutiny Committee.

5. On these facts, the Petitioner was bound to be issued a tribe validity certificate. His claim could not have been denied on the ground that some of his relations (one being a distant paternal relation and the others not having any relationship with him) have been described in their school records as either 'Koli' or 'Hindu Koli'. This Court has also held in a number of cases that where the applicant's father holds a caste or tribe validity certificate,

absent any suppression or mis-statement of facts or fraud, the same can be made the basis of the tribe validity certificate claimed by the applicant.

6. In the premises, Rule is made absolute and the petition is allowed by quashing and setting aside the impugned order dated 19 January 2021 and directing Respondent No. 2- Scrutiny Committee to forthwith issue a tribe validity certificate to the Petitioner showing him as belonging to the Scheduled Tribe of 'Koli Mahadev'.

7. Respondent No.3-Commissioner and competent authority, Maharashtra CET Cell - is directed to proceed on the footing that the Petitioner belongs to the Scheduled Tribe of 'Koli Mahadev' and accordingly process his admission.

8. The petition is disposed of in the above terms.

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(SURENDRA P. TAVADE, J) **(S.C. GUPTE, J.)**