



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

Writ Petition No. 7513 OF 2024

Kalpana Waman Sadle

Age : 30 years, Occ. Student,
R/o At Post Nalegoan, Tq. Chakur,
Dist. Latur.

...Petitioner

Versus

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

2. Scheduled Tribe Certificate Scrutiny
Committee, Aurangabad.

...Respondents

— — —

Mr. Bayas Anandsingh Sangramsingh, Advocate for Petitioner.

Mr. P.S. Patil, Addl.GP for Respondent/State.

— — —

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

DATE : 05 SEPTEMBER 2024

FINAL ORDER [Per: Shailesh P. Brahme, J.] :

. Heard both sides finally considering exigency in the matter.

2. The petitioner is aggrieved by the judgment and order dated 10.08.2022 passed by the Scrutiny Committee, confiscating and invalidating her tribe certificate of 'Koli Mahadev' Scheduled Tribe. She seeks to rely on the validity

certificates of her real brother Umakant Sadle. She is further relying on the school record of Pitambar of 1955 and Fasle record of Bajirao. It is submitted that impugned judgment is discriminatory and arbitrary. It is perversity to overlook explanation tendered by the petitioner for the incompatible record pitted against her. It is submitted that in view of judgment of High Court in the matter of **Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and Ors.**, 2023 SCC Online SC 326, the validity should have been issued to her.

3. Per contra, learned AGP Mr. Patil would oppose the submission of the petitioner. He tenders on record original papers of validity holder – Umakant. He would submit that the Committee has rightly rejected the tribe claim considering incompatible school record and bogus Fasli record which would amount to suppression of material facts and fraud. It is submitted that the Committee is justified in discarding Fasli record considering the statement of father of the petitioner. It is further submitted that there was no proper verification of documents and the validity issued to petitioner's father is not reliable one. He would submit that the school record of Pitambar of 1955 on which the reliance is placed has not been verified and it is being produced first time before the High Court. Lastly it is submitted that the petitioner is not entitled to any relief.

4. We have considered submissions of the parties and also

gone through the original papers. The petitioner's brother – Umakant was issued with validity certificate by the Committee after conducting vigilance inquiry. The vigilance report shows that the validity certificates of Kulbhushan and Anil are referred to and Fasli record of 1356 of Bajirao is relied on. The documents which were verified are as follows :

- (i) School record of Umakant/brother of claimant, of 1993
- (ii) School record of Kalpana/present petitioner, of 1997
- (iii) School record of Mahesh/brother of petitioner of 2000

5. During the course of inquiry, following incompatible school record of blood relatives of the petitioner was disclosed :

Sr.No.	School name	Student's name	Relationship	Caste	Admission date	Remark
1.	Zilla Parishad Primary School, Mahadevwadi, Taluka Ausa, District Latur	Lalita Jayvanta Sadle	Cousin Paternal Aunt	Koli	07.07.1965	
2.	Zilla Parishad Primary School, Mahadevwadi, Taluka Ausa, District Latur	Shantabai Mahadu Sadle	Cousin Paternal Aunt	Koli	07.07.1965	
3.	Zilla Parishad Primary School, Mahadevwadi, Taluka Ausa, District Latur	Balaji Mahadu Sadle	Cousin Uncle	Koli	13.07.1968	
4.	Zilla Parishad Primary School, Mahadevwadi, Taluka Ausa, District Latur	Chabubai Narsing Sadle	Cousin Paternal Aunt	Koli	23.07.1968	
5.	Zilla Parishad Primary School, Mahadevwadi, Taluka Ausa, District Latur	Navnath Narsing Sadle	Cousin Uncle	Koli	16.06.1969	
6.	Zilla Parishad Primary School, Mahadevwadi, Taluka Ausa, District Latur	Shivaji Mahadu Sadle	Cousin Uncle	Koli	10.07.1970	
7.	Zilla Parishad Primary School, Mahadevwadi, Taluka Ausa, District Latur	Lubjabai Shankar Sadle	Cousin Paternal Aunt	Koli	01.09.1971	
8.	Zilla Parishad Primary School, Mahadevwadi, Taluka Ausa, District Latur	Madan Shankar Sadle	Uncle	Koli	01.09.1971	

9.	Zilla Parishad Primary School, Mahadevwadi, Taluka Ausa, District Latur	Shardabai Mahadu Sadle	Cousin Paternal Aunt	Koli	01.09.1971	
10.	Zilla Parishad Primary School, Mahadevwadi, Taluka Ausa, District Latur	Shardabai Mahadu Sadle	Cousin Paternal Aunt	Koli	01.09.1971	
11.	Zilla Parishad Primary School, Mahadevwadi, Taluka Ausa, District Latur	Vandanabai Pandharinath Sadle	Cousin Paternal Aunt	Koli	07.07.1972	
12.	Zilla Parishad Primary School, Mahadevwadi, Taluka Ausa, District Latur	Shakuntalabai Baburao Sadle	Cousin Paternal Aunt	Koli	07.07.1972	
13.	Zilla Parishad Primary School, Mahadevwadi, Taluka Ausa, District Latur	Satyakala Dhondiram Sadle	Cousin Paternal Aunt	Koli	12.07.1972	
14.	Zilla Parishad Primary School, Mahadevwadi, Taluka Ausa, District Latur	Daivkala Jaywantrao Sadle	Cousin Paternal Aunt	Koli	12.07.1972	
15.	Zilla Parishad Primary School, Mahadevwadi, Taluka Ausa, District Latur	Shobhabai Narsing Sadle	Cousin Paternal Aunt	Koli	12.07.1973	
16.	Zilla Parishad Primary School, Mahadevwadi, Taluka Ausa, District Latur	Ramesh Pitambar Sadle	Uncle	Koli	12.07.1973	
17.	Zilla Parishad Primary School, Mahadevwadi, Taluka Ausa, District Latur	Surekha Pandharinath Sadle	Cousin Sister	Koli	25.07.1974	
18.	Zilla Parishad Primary School, Mahadevwadi, Taluka Ausa, District Latur	Janabai Dhondiram Sadle	Cousin Paternal Aunt	Koli	25.07.1974	
19.	Zilla Parishad Primary School, Mahadevwadi, Taluka Ausa, District Latur	Sudhakar Shankar Sadle	Uncle	Koli	01.09.1974	
20.	Zilla Parishad Primary School, Mahadevwadi, Taluka Ausa, District Latur	Rajendra Dhondiram Sadle	Cousin Uncle	Koli	05.07.1975	
21.	Zilla Parishad Primary School, Mahadevwadi, Taluka Ausa, District Latur	Nandkumar Babu Sadle	Cousin Uncle	Koli	07.07.1975	There is correction in 'Dhangar' word by writing 'Hindu Dhangar' word in the column of religion caste.
22.	Zilla Parishad Primary School, Mahadevwadi, Taluka Ausa, District Latur	Babu Pandhari Sadle	Cousin Uncle	Koli	28.06.1978	
23.	Zilla Parishad Primary School, Mahadevwadi, Taluka Ausa, District Latur	Birku Pitambar Sadle	Aunt	Koli	18.06.1979	

6. We have taken into considering the reply tendered by the petitioner to vigilance report dated 14.07.2022. The petitioner has disowned relationship with some of the persons who are figuring in the above table. In respect of the other persons, the entries are alleged to have been recorded due to illiteracy and ignorance. In all there are 23 entries. Except above persons, in respect of the remaining record, neither relationship is disputed nor are the contrary entries. Pertinently, the entries from 1965 to 1979 is older record than the record pressed into service by the petitioner. The consistent contrary entries which are duly verified during the vigilance inquiry have rightly been taken into account by the Committee.

7. The school record of petitioner's grandfather Pitambar which is of 1955 referred to by the petitioner was neither produced before the Committee nor was it produced in the matter of earlier validity holder – Umakant. It has not been verified earlier. Therefore, we cannot for the first time consider it.

8. The reliance is placed on old school record of Bajirao of Fasli 1356. It was produced by earlier validity holder – Umakant, in his matter also. It is Urdu document of Gulbarga Court, disclosing Bajirao as observing accused and his caste was mentioned to be Koli Mahadev. It was referred for the verification to the concerned Court and reply was solicited. It

was reported by the Court Keeper that Fasli record was destroyed due to orders of District Court at Gulbarga dated 27.02.1999. Thus there was no remark endorsing the genuineness of the record.

9. In the present matter, the statement of the petitioner's father was recorded on 05.05.2022. It was stated that the deponent was not aware of any police case in which Bajirao was arrested. The document was procured from one Nazeer Shaikh who was stamp vendor and he used to prepare the document and as per his say, the document was produced. If this is the candid admission coming from petitioner's father, then we have no hesitation to conclude that the document is false and bogus and this aspect is rightly dealt with by the Committee in the impugned judgment.

10. Petitioner relied on validity of her brother – Umakant who was banking on validities issued to Kulbhushan and Anil, who were maternal side relatives. The old record of Gulbarga Court in the matter of Bajirao is found to be false and bogus. Except school record of Umakant, present petitioner and their brother – Mahesh which is of recent origin, there is no convincing material. In the matter of Umakant, no in depth verification was conducted. We are of the considered view that he was not issued with validity certificate after following due process of law, as contemplated by law laid down by the Supreme Court in the

matter of Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti (supra). We endorse this finding more particularly when incompatible old entries were discovered in the present matter.

11. It is relevant to notice that the petitioner failed to get through the affinity test. There is no convincing circumstance or material to corroborate petitioner's claim. We, therefore, find that no error, perversity or illegality has been committed by the Scrutiny Committee in passing impugned judgment and order. We find no substance in the petition. Hence we pass following order :

ORDER

a. The writ petition is dismissed.

SHAILESH P. BRAHME
JUDGE

MANGESH S. PATIL
JUDGE

Najeeb..