

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

WRIT PETITION NO.5561 OF 2023

Vandana D/o Mansaram Koli,
Age: 30 years, Occu: Service,
R/o. Plot No.10, Lonkheda Bypass,
Shahada, Tq. Shahada,
Dist. Nandurbar

....PETITIONER

VERSUS

1. The Sate of Maharashtra,
Through : The Secretary,
Department of Tribal Development,
Mantralaya, Extension Building,
Madam Kama Road,
Hutatma Rajguru Chowk,
Mumbai – 400 032
2. The Committee for verification of
Scheduled Tribe Claims, Nandurbar,
Milk Chilling Plant Building,
Near RTO, Sakri Road,
Nandurbar 425 412
3. Chief Executive Officer,
Zilla Parishad, Nandurbar

....RESPONDENTS

AND

WRIT PETITION NO.5554 OF 2023

Manisha D/o Mansaram Koli,
Age: 30 years, Occu: Service,
R/o. Plot No.10, Lonkheda Bypass,
Shahada, Tq. Shahada,
Dist. Nandurbar

....PETITIONER

VERSUS

(2)

1. The Sate of Maharashtra,
Through : The Secretary,
Department of Tribal Development,
Mantralaya, Extension Building,
Madam Kama Road,
Hutatma Rajguru Chowk,
Mumbai – 400 032

2. The Committee for verification of
Scheduled Tribe Claims, Nandurbar,
Milk Chilling Plant Building,
Near RTO, Sakri Road,
Nandurbar 425 412

3. Chief Agriculture Officer,
Shahada, Dist. Nandurbar

....RESPONDENTS

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Mr Mohanish V. Thorat , Advocate for petitioners in both petitions
Mr S. R. Wakale, A.G.P. for respondent Nos.1 & 2/State

**CORAM : MANGESH S. PATIL
AND
PRAFULLA S. KHUBALKAR, JJ.**

DATE : 10th March, 2025

JUDGMENT (PER : PRAFULLA S. KHUBALKAR, J.)

1. Rule. Rule made returnable forthwith. Heard finally by
consent of the parties.

2. By these petitions under Article 226 of the Constitution of
India, the petitioners have challenged the order dated 24/04/2023,
passed by respondent No.2/Scheduled Tribe Certificate Verification

(3)

Committee, invalidating their claim for ‘*Tokre Koli*’ Scheduled Tribe in a proceeding under Section 7 of the Maharashtra Scheduled Castes, Scheduled Tribes, De-Notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000/Maharashtra Act No.XXIII of 2001. The impugned order is a common order in the matters of petitioners who are real sisters. The tribe claim of the petitioners is invalidated by the committee concluding that the petitioners have failed to establish their claim on the basis of documentary evidence as well as on account of failure to prove affinity with ‘*Tokre Koli*’ Scheduled Tribe.

3. The committee has observed that the documents of pre-independence era relied upon by the petitioners show the entry of caste as ‘Koli Dhor’, which is contrary to the claim for ‘*Tokre Koli*’ and on this count, the documents are discarded. Referring to the documents of the year 1913 and 1946, the committee has concluded that these documents do not establish the petitioner’s tribe as ‘*Tokre Koli*’ and has invalidated the claim directing initiation of action under the provisions of Sections 10 and 11 of the Maharashtra Act No.XXIII of 2001.

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4. Mr M. V. Thorat, learned counsel for the petitioners in both the matters vehemently submits that the committee has adopted erroneous approach in deciding the tribe claim. He submits that the document in the nature of birth extract of the petitioner's great grandfather Ragha Daga Sampat, dated 08/06/1913 showing the caste as 'Koli Dhor' and another document of school record of petitioner's grandfather Sitaram Ragha, dated 13/06/1946 showing the caste as 'Koli Dhor Hindu', were sufficient to establish the social status of the petitioner as scheduled tribe since 'Tokre Koli' and 'Koli Dhor' cannot be considered to be contrary entries. He submits that these are the oldest documents carrying high probative value and cannot be brushed aside by labelling them as contrary entries. In support of his submissions, he relies upon the judgment dated 20/07/2024 delivered by this Court in Writ Petition No.1209/2022 in the matter of **Samridhhi Yogesh Savale Vs. State of Maharashtra and others.**

5. Per contra, Mr S. R. Wakale, learned A.G.P. for respondent Nos.1 and 2 in both the petitions vehemently submits that the documents showing entries as 'Koli Dhor' are inconsistent with the tribe claim for 'Tokre Koli' and on these submissions, justifies the impugned order. He submits that the entry of caste has to be read as it

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is and in absence of any pre-independence era documents showing the caste as 'Tokre Koli', the petitioners' claim is rightly invalidated.

6. We have considered the rival submissions and perused the papers.

7. It is pertinent to note that the petitioners have relied upon documents of the year 1913 and 1946 with respect to their great grandfather and grandfather which shows the entry as 'Koli Dhor'. While considering these documents, the committee has inferred that the documents of 'Koli Dhor' are contrary to the claim and therefore, in absence of any other documents of pre-independence era, it has invalidated the petitioners' claim. It is worthwhile to mention here that a similar issue fell for consideration of this bench in the matter of **Nilesh Gulab Sonawane and another Vs. State of Maharashtra and others** (Writ Petition No.9654/2019 decided on 18/10/2023), which was followed in the matter of **Samriddhi Yogesh Savale** (supra) and this Court has held that the entries of 'Koli Dhor' and 'Tokre Koli' are mentioned in the same entry i.e. Entry No.28 of the Constitution (Schedule Tribes) Order, 1950 and cannot be treated as inconsistent entries. In these judgments, it is held that since the Legislature in its wisdom has put 'Koli Dhor' and 'Tokre Koli' in the same entry, the

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claim of 'Tokre Koli' cannot be treated as inconsistent with 'Koli Dhor'.

8. In the light of above, the document of birth extract of petitioner's great grandfather dated 08/06/1913 showing the caste as 'Koli Dhor' cannot be discarded as document inconsistent to the tribe claim. This is the oldest document having high probative value and ought to have been made the basis to decide the petitioner's tribe claim. As such, the only reason put forth by the committee in discarding the documents of 1913 and 1946 is unsustainable. Even considering the documents of 'Koli Dhor', the petitioner's social status is maintained as scheduled tribe since the entry of 'Tokre Koli' and 'Koli Dhor' fall in the same entry i.e. Entry No.28 and thus, the petitioners' claim for scheduled tribe sustains.

9. In view of the above, we are of the considered opinion that the impugned order passed by the scrutiny committee is unsustainable and it is liable to be quashed and set aside. The petitioners are entitled for validation of their claim for 'Tokre Koli' scheduled tribe. Hence, we pass the following order :-

(a) The writ petitions are allowed.

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(b) The impugned order dated 24/04/2023, passed by respondent No.2/scrutiny committee, is quashed and set aside.

(c) Respondent/scrutiny committee is directed to immediately issue validity certificates to the petitioners of belonging to the 'Tokre Koli' Scheduled Tribe in a prescribed format.

(d) The petitioners shall not claim any equities.

10. Rule is made absolute in above terms.

(PRAFULLA S. KHUBALKAR, J.) **(MANGESH S. PATIL, J.)**

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