



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

WRIT PETITION NO. 9032 OF 2026

**Anjali D/o. Sheshrao Kabade**

Age: 19 years, Occu: Student,  
R/o. Viranchi Dham, Mantri Row-Houses,  
Shraddha Nagar, LIC Colony, Latur.  
Tq. and Dist. Latur.

**...PETITIONER**

**VERSUS**

**1. The State of Maharashtra**

Through its Secretary,  
Tribal Development Department,  
Mantralaya, Mumbai-32.

**2. The Scheduled Tribe Caste Certificate**

Scrutiny Committee, Kinwat Committee-2,  
Head Quarter at Aurangabad.

**3. The Principal,**

Rajarshi Shahu College, Latur  
Tq. and Dist. Latur.

**4. The State Common Entrance Test Cell,**

Maharashtra State Mumbai  
8<sup>th</sup> Floor, New Excelsior Building,  
A. K. Nayak Marg, Fort,  
Mumbai- 400001.

**...RESPONDENTS**

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Mr. S. B. Deshpande, Senior Advocate i/by Mr. S. A. Deshmukh, Advocate  
for Petitioner.

Mr. R. S. Wani, AGP for Respondent Nos. 1 and 2.

Mr. P. B. Kulkarni h/f Mr. M. D. Narwadkar, Advocate for Respondent No.4.  
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**CORAM** : KISHORE C. SANT &  
AJIT B. KADETHANKAR, JJ.

**RESERVED ON** : 07<sup>th</sup> AUGUST 2026.

**PRONOUNCED ON** : 03<sup>rd</sup> SEPTEMBER 2026.

**ORDER :- [PER: KISHORE C. SANT, J.]**

1. Heard Mr. Deshpande, the learned Senior Advocate i/by Mr. Deshmukh, learned Advocate for the Petitioner, Mr. Wani, the learned AGP for Respondent Nos. 1 and 2/State, and Mr. Kulkarni h/f Mr. Narwadkar, the learned Advocate for Respondent No.4. None for Respondent No.3, inspite of service.
2. By consent of the parties, the petition is taken up for final disposal as the petitioner is a student undergoing an admission process. At the outset, it needs to be noted that petitioner claim's tribe certificate, validity on the basis of clean validity given to her father and two sisters.
3. By way of present writ petition, the petitioner has challenged the order dated 10/06/2026 passed by Respondent No.2/Committee, thereby invalidating the tribe claim of the petitioner as belonging to

“Koli Mahadev” (29), Scheduled Tribe.

4. The Respondent No.2/Committee had recorded the findings that the record produced by the petitioner appears to be fabricated. In the caste column of her great-grandfather and grandfather, the word “Mahadev” appears to have been added in different ink and in different handwriting after the word “Koli”. Some of the validities, reliance is placed, are the persons who have not shown the branch of the present petitioner in their family tree/genealogy. The affinity test was also held against the petitioner etc.

5. Mr. Deshpande, the learned Senior Advocate appearing for the petitioner, vehemently argued the petition. He submits that the Respondent No.2/Committee has committed an error by improperly appreciating the documents on record. There is a validity granted in favour of petitioner’s father by the Scrutiny Committee vide order dated 26/04/2006 on merits and which is not conditional. This Court granted the validity even to both the sisters of the petitioner namely, Aishwarya Sheshrao Kabade and Asavari Sheshrao Kabade vide order dated

03/03/2023 in WP/111/2021. When there are two validities granted in the family members of the petitioner by this Court and one validity granted by the Scrutiny Committee on merits, there was no reason/question for the Committee to hold any finding against the petitioner. This Court, while considering the claim of sisters of the petitioner, has considered very same material which is now not believed by the Committee. Recording such findings would amount to reviewing the order passed by this Court in two writ petitions. The Committee could not have recorded the findings contrary to those findings recorded by this Court on considering very same material. He thus prays that impugned judgment and order deserves to be quashed and set aside by allowing the petition. It is further prayed to direct the Committee to issue certificate in favour of the petitioner showing that she belongs to Scheduled Tribe category namely, "Koli Mahadev".

6. Mr. Wani, the learned AGP, on the other hand, vehemently opposed the petition. He submits that the case of the petitioner is required to be considered independently. Merely there is a validity granted in the

family members is no reason to grant the tribe claim. He submits that the Committee has specifically recorded findings that there is manipulation in the entries in the caste column. The word “Mahadev” is subsequently added in different ink and in different handwriting. He has taken this Court through the original records of the Committee including the report of Directorate of Forensic Science Laboratories, Mumbai, wherein it is recorded that the handwriting in the entries appeared to be in different ink.

7. In support of his submissions, he relied upon the judgment in the case of *Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and Ors.*<sup>1</sup>

8. This Court has considered the submissions and the records. Very first, it is admitted that in the case of Aishwarya Kabade, Asavari Kabade and Sheshrao Kabade, the claims were invalidated by the Respondent No.2/Committee by recording reasons which are mentioned in the petition. It is further seen that this Court in Writ Petition No. 111/2021

<sup>1</sup> 2023 SCC OnLine SC 326

has clearly recorded its findings on the very same material. This Court thus finds that there is substance in the submissions of the learned Senior Advocate Mr. Deshpande that when this Court had recorded specific findings in those cases, it is not open for the Committee to go back and record the findings on the same material again.

9. This Court has gone through the judgment in the case of ***Aishwarya Sheshrao Kabade*** (supra) (the sister of the petitioner), paragraph No.8 to 11 reads as under:

*“8. As regards the alleged corrections or interpolations or insertions are concerned, though the affidavit of the Headmaster Laxman Dapke has been produced, he does not dispute that those documents are old. The natural custodian of those documents was his own school. Who has made those interpolations or insertions has not been investigated or inquired by the Scrutiny Committee. Those documents were definitely not in the custody of the present petitioners, their father or any other relative. Therefore, the petitioners cannot be blamed for those interpolations or insertions. It would have been within the powers of the Scrutiny Committee to direct an inquiry to be made by the Vigilance Cell as to who has made those interpolations or insertions. Without undertaking that exercise Committee cannot blame the petitioners and keep them away from grant of validity. Very recently in Asra Fatema d/o Zakir Ali Ahmed vs. State of Maharashtra and another in Writ Petition No.920 of 2021 decided on 13.10.2022 this Court, Bench at Nagpur has also held that in absence of such investigation as to who has done an interpolation, the Vigilance Cell cannot be said to be based on any credible evidence and could not have been relied upon by the Scrutiny Committee. The said case is also relied by this Court in Suryanarayan Anand Katewar vs. State of Maharashtra and others in Writ Petition*

No.11964 of 2021 decided on 21.10.2022.

9. *The oldest document was of 07.11.1349 Fasali and it has been got confirmed that it is 1939 as per the Gregorian calendar. Though the said document was before the Scrutiny Committee, the impugned order has discarded the same on some flimsy ground and without any evidence it has arrived at a conclusion that all the entries are in one handwriting. The distance between village Chera and Togari is about 20 - 25 k.ms. Nobody was residing at village Chera, then got prepared by the petitioners with the help of school management, are the observations. The order does not reflect as to whether the said school authorities were called upon to make any explanation. The Committee should have considered the situation in the year 1939. The distance at that time was more, but still admission was taken. Therefore, there was absolutely no reason for the Committee to make such kind of observations without undertaking any investigation or inquiry. Similarly, copy of the another document which is stated to be the mortgage deed in Urdu which was of the year 1362 Fasli i.e. 1952, the Committee on its own whims has directly concluded that it is a fake document. Even the original was taken in custody by the Committee and then it is stated that in view of some erasers the Committee has taken decision to send it for the opinion of the handwriting expert. If that decision was taken, then why the Committee had not waited for that decision to come. Therefore, the decision now based appears to have taken in haste, which cannot be allowed to be sustained.*

10. *There were other documents also which were more than 20 years old and ranging till 1939 and still for some unreasonable grounds the validity appears to have been rejected in respect of both the petitioners and unnecessarily observations are made in respect of taking up the steps for review of the validity certificate issued to the father. In fact, in view of Apoorva Nichale (supra) there was absolutely no necessity for the Committee to order the re-inquiry or to have Vigilance Cell report circulation. We do not agree with the submissions on behalf of the Government that the decision of this case would come in the process of the review petition. The first and the foremost fact is that in spite of the said decision by the Committee on 20.11.2020 till the matter was heard*

*no steps were taken for filing of review petition. It has not been pointed out how Sunita Ganpatrao Kabade and Subhash Ganpatrao Kabade are related. If they want to rely on the family tree which was before the Vigilance Cell, then Subhash appears to be uncle of Sheshrao i.e. the father of the petitioners. However, it is to be noted that in the Vigilance Cell Report apart from Subhash it was also written that one Balaji Ramesh Yamalwar, who is the real cousin of the petitioners, was also given validity certificate by the same Scrutiny Committee. The Scrutiny Committee is not making any kind of whisper in respect of a validity certificate issued by it to Balaji Yamalwar.*

*11. Another uncle of father of petitioners viz. Shivaji Ganpatrao Kabade was issued validity certificate on 09.07.1991 and the copy of the certificate of validity was also produced. At the costs of repetition, it has to be observed that the Scrutiny Committee has not followed the decision in Apoorva Nichale (supra).”*

10. It is thus clear that when a very same material has been considered by this Court, there was no scope for the Committee to go back and to re-consider the same material.

11. Considering the judgment in the case of ***Apoorva Nichale Vs. DCCS Committee and ors.***<sup>2</sup>, this Court finds that it was not permissible for the Committee to re-appreciate the evidence which is already considered by this Court in the cases of Aishwarya Kabade, Asavari Kabade and Sheshrao Kabade and where unconditional validity is

awarded.

12. So far as judgment relied upon by the learned AGP in the case of ***Adiwasi Thakur Jamat Swarakshan Samiti*** (supra) is concerned, relevant paragraph No.22 reads as under:

*“22. We can also contemplate one more scenario which is found in many cases. These are the cases where the applicant relies upon caste validity certificates issued to his blood relatives. Obviously, such a validity certificate has to be issued either by the Scrutiny Committee constituted in terms of the directions issued in Kumari Madhuri Patil’s case reported in AIR 1995 SC 94 or constituted under the Rules framed under the 2000 Act. In such a case, firstly, the Scrutiny Committee must ascertain whether the certificate is genuine. Secondly, the Scrutiny Committee will have to decide whether the applicant has established that the person to whom the validity certificate relied upon by him has been issued is his blood relative. For that purpose, the applicant must establish his precise and exact relationship with the person to whom the validity certificate has been granted. Moreover, an enquiry will have to be made by the Scrutiny Committee whether the validity certificate has been granted to the blood relative of the applicant by the concerned Scrutiny Committee after holding due enquiry and following due procedure. Therefore, if the Scrutiny Committee has issued a validity certificate contemplated in terms of the decision in the case of Kumari Madhuri Patil, the examination will be whether the enquiry contemplated by the said decision has been held. If the certificate relied upon is issued after coming into force of the 2000 Act, the Scrutiny Committee will have to ascertain whether the concerned Scrutiny Committee had followed the procedure laid down therein as well as in the ST Rules or the SC Rules, as the case may be. For this verification, the Scrutiny Committee can exercise powers conferred on it by Section 9(d) by requisitioning the record of the concerned Caste Scrutiny Committee, which has issued the validity certificate to the blood relative of the applicant. If the record has*

*been destroyed, the Scrutiny Committee can ascertain whether a due enquiry has been held on the basis of the decision of the Caste Scrutiny Committee by which caste validity has been granted to the blood relative of the applicant. If it is established that the validity certificate has been granted without holding a proper inquiry or without recording reasons, obviously, the caste scrutiny committee cannot validate the caste certificate only on the basis of such validity certificate of the blood relative.”*

13. It thus needs to be considered as to whether the earlier validities granted to the family members and in near relatives are given by following due procedure. In the present case, the father of the petitioner namely, *Sheshrao Kabade* was granted validity by the Scrutiny Committee and the sisters of the petitioner namely, *Aishwarya Kabade* and *Asavari Kabade*, were granted validity by this Court by following procedure. When the validity was granted by the Scrutiny Committee to the father of the petitioner himself, there is no question about reopening of his matter. In short, when validities of father and two sisters are existing, that too, of unconditional nature, the petitioner too is entitle for validity.

14. Considering all above, this Court finds that a case is made out to allow the petition. Writ petition stands allowed in terms of prayer

clauses (B) and (C).

15. With these, writ petition stands disposed off.

[AJIT B. KADETHANKAR, J.]

[KISHORE C. SANT, J.]

*D.A.ETHAPE*