

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3754 OF 2026

Tanaji Ramling Kamble,
Age: 49 Years, Occu.: Serivce,
R/o. At Post Degaon, Taluka : Pandharpur,
District : Solapur – 413 304. ...Petitioner.

Versus

1. The State of Maharashtra,
Through Principal Secretary,
Tribal Development Department,
Mantralaya, Mumbai – 400 032.
2. The Schedule Tribe Caste Certificate
Verification Committee, Pune Division,
Pune – 411 001. ...Respondents.

Mr. Ratan L. Adhe for the Petitioner.
Ms. Tejas J. Kapre, AGP for the Respondents-State.

Coram : Sharmila U. Deshmukh &
Neeraj P. Dhote, JJ.

Reserved on : September 11, 2026.
Pronounced on : September 22, 2026.

JUDGMENT : (Per Neeraj P. Dhote, J.)

1. With the consent of both the sides, heard finally at the admission stage.
2. The challenge in this writ petition is to the order dated 18th June 2026 passed by the Respondent No.2-Scrutiny Committee invalidating

the claim of the Petitioner towards 'Mahadev Koli' Scheduled Tribe. The Petitioner claims to be belonging to the Koli Mahadev Scheduled Tribe. The Competent Authority had issued the caste certificate to that effect. The Petitioner is pursuing his Diploma in Education. His tribe claim came to be referred for verification by the Principal of the Institute, where he is pursuing the said course. In support of his tribe claim, the Petitioner submitted as many as 33 documents of his blood relatives from the paternal side. The Respondent No.2-Scrutiny Committee directed the inquiry through the Vigilance Cell. The Vigilance Cell submitted its report. The Petitioner was given opportunity of hearing. After considering the documents on record, the Respondent No.2-Scrutiny Committee passed the impugned order.

3. It is submitted by learned counsel for the Petitioner that, the Petitioner had submitted the pre-Constitution era documents of his blood relatives, wherein the caste is mentioned as 'Mahadev Koli' and the said documents are having more probative value. The Committee discarded the said documents on the ground that, in the revenue records of the ancestors of the Petitioner, the caste was mentioned as 'Koli'. The other grounds for invalidation of the claim are the affinity test and area restrictions. He further submitted that the Respondent No.2-Scrutiny Committee had invalidated the claim of Petitioner's full-blood brother Santosh Ramling Kamble by order dated 7th May 2026 on

similar grounds and the said order was challenged in Writ Petition No.2383 of 2026, which came to be allowed by this Court by Judgment and Order dated 23rd July 2026 directing issuance of validity certificate to the Petitioner's brother. He submitted that, the petition be allowed.

4. The learned AGP appearing for the Respondents supported the impugned order. However, it is not disputed that the Petitioner's full-blood brother is issued the validity certificate towards 'Koli Mahadev' Scheduled Tribe by the order of this Court in the aforesaid writ petition. He relied on the decision in ***Apoorva d/o. Vinayak Nichale v. Divisional Caste Certificate Scrutiny Committee No.1, Nagpur and others***,¹ wherein it is observed that, fraud vitiates all solemn acts and when an order has been obtained by practicing fraud on the Court, it would be a nullity.

5. We have perused the impugned order. It shows that, the Petitioner relied on more than 30 documents in support of his tribe claim. The description of the said documents is given in the chart in paragraph 2 of the impugned order. Perusal of the said chart shows that, some of the documents were of pre-Constitution era. The Respondent No.2-Scrutiny Committee relied on the report of the Vigilance Cell to hold that, in certain documents of the blood relatives of the Petitioner, there were corrections or interpolation in respect of

¹ 2010 (6) Mh.L.J. 401.

the caste. The Respondent No.2-Scrutiny Committee also considered that, in certain documents of the Petitioner's blood relatives, which were collected by the Vigilance Cell, the caste was mentioned as 'Koli'. The Committee, therefore, discarded the documents relied upon by the Petitioner.

6. The impugned order shows that, the Petitioner relied on the decision of this Court in Writ Petition No.9246 of 2021 filed by his cousin nephew-Hrishikesh Santosh Kamble, wherein the order of invalidation of his tribe claim was set aside. The copy of the documents circulated across the bar by the learned counsel for the Petitioner shows that, the Respondent No.2-Scrutiny Committee had invalidated the claim of Santosh Ramling Kamble, full-blood brother of the Petitioner, towards the Koli Mahadev Scheduled Tribe by order dated 7th May 2026 on similar grounds and the said decision of the Respondent No. 2-Scrutiny Committee was challenged in Writ Petition No.2383 of 2026, which was allowed by order dated 23rd July 2026. The copy of the said order is also tendered across the bar by the learned counsel for the Petitioner. There is no dispute in respect of the said order invalidating the tribe claim of the Petitioner's full-blood brother and the decision of this Court. On going through the order dated 7th May 2026 in respect of the Petitioner's full-blood brother-Santosh Ramling Kamble goes to show that, on identical grounds and reasons, the Respondent No.2-Scrutiny

Committee invalidated the Petitioner's tribe claim. Both the orders passed by the Respondent No.2-Scrutiny Committee goes to show that, the Petitioner and his full-blood brother had relied on the similar documents in support of their tribe claims and the Vigilance Cell inquiry in both the cases had submitted the report with similar observations. Perusal of the said order dated 23rd July 2026 goes to show that, after hearing both the sides and considering the pre-Constitution era documents in respect of grandfather and paternal ancestors of the Petitioner, wherein the caste was mentioned as 'Mahadev Koli', this Court allowed the petition. This Court considered the decisions in the case of ***Sayanna v. State of Maharashtra***,² ***Apoorva d/o Vinayak Nichale (supra)*** and ***Anand v. Committee for Scrutiny and Verification of Tribe Claims & Ors.***³ and set aside the order impugned therein. This Court also considered the aspect that though the Committee treated the school entry as suspicious on the ground that it appears to have been written later in the same handwriting, but with different ink and observed that, such a finding of interpolation cannot rest merely on visual comparison.

7. It is clear that, the reasons in the order invalidating the tribe claim of the Petitioner's full-blood brother Santosh Ramling Kamble and the order impugned in the petition are identical. There is no new ground in

² 2010 (1) ALL MR 957 (SC).

³ 2012 (1) SCC 113.

the impugned order. When once this Court considered the similar grounds invalidating the tribe claim of the Petitioner's full-blood brother and directed issuance of validity certificate to the Petitioner's full-blood brother, the Petitioner is entitled for the validity certificate towards the 'Koli Mahadev' Scheduled Tribe. In the backdrop of the above directions, the impugned order is unsustainable and liable to be quashed and set aside and hence, the following order:

ORDER

- i) The Writ Petition is allowed.
- ii) The impugned order dated 18th June 2026 passed by Respondent No.2–Scrutiny Committee invalidating the Petitioner's tribe claim towards 'Koli Mahadev' Scheduled Tribe is quashed and set aside.
- iii) The Respondent No.2–Scrutiny Committee is directed to issue the validity certificate to the Petitioner as belonging to the 'Koli Mahadev' Scheduled Tribe within a period of two weeks.
- iv) The Writ Petition accordingly stands disposed of.

[Neeraj P. Dhote, J.]

[Sharmila U. Deshmukh, J.]

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GAIKWAD
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