

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

WRIT PETITION NO. 4344 OF 2026

1) Bhoomika d/o Harish Umbarje,
Age- 25 years, Occu. - Student,

2) Vedant s/o Vinod Umbarje,
Age- minor, Occu. - Student,
Through his guardian Father,
Vinod s/o Ravindra Umbarje,
Age- 46 years, Occu. - Service,

3) Vishal s/o Manjunath Umbarje,
Age- 18 years, Occu. - Student,
All R/o. - Auj (Mandrup),
Tq. South Solapur, Dist. Solapur. 413221

4) Aryan s/o Deepak Umbarje,
Age- 18 years, Occu. - Student,
All above R/o. - Auj (Mandrup),
Tq. South Solapur, Dist. Solapur. -413221

...Petitioners.

Versus

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

2) The Scheduled Tribes Certificate
Scrutiny Committee, Pune CVC Pune,
Pune Division, 5th Floor, C Wing,
Kapil Towers, Near RTO Office,
Pune - 411 001.
Through its Vice-Chairman, Pune.

3) State Common Entrance Test Cell,
Maharashtra State, 8th Floor,
New Excelsior Building, A.K. Nayak
Marg, Fort, Mumbai-400 001.
Through it's Commissioner.

...Respondents.

Mr. Omgashad Baburao Boinwad a/w Nikita Bontalwar & Ashwini R. Barad for the Petitioners.

Mr. S. B. Kalel, AGP for the Respondent-State.

Mr. Nagesh Chavan for Respondent No.3 -CET Cell.

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

Date : September 03, 2026.

Oral Judgment. : (Per Neeraj P. Dhote, J.)

1. Heard learned counsel for the petitioners, learned AGP appearing for the respondent-State and the Scrutiny Committee, and learned counsel appearing for respondent No. 3-CET Cell. By consent of the learned counsel for the parties, the petition is finally heard at the admission stage. With their assistance perused the papers on record.

2. By the present writ petition, the petitioners have challenged the order dated 25.08.2026, passed by the respondent No. 2- Caste Scrutiny Committee (for short, hereinafter referred to as the Scrutiny Committee), invalidating the petitioners' claim towards the Koli Mahadev-Scheduled Tribe.

3. The petitioners are the blood relatives and cousins of each other. They all are the students taking education in their respective educational institutions. The petitioners were issued the tribe certificates by the competent authority as belonging to the Koli Mahadev-Scheduled Tribe. The educational institution, where the petitioners are studying, referred their caste certificates to the Scrutiny Committee for verification. The petitioners submitted number of documents in support of their claim including the validity certificates issued to their blood relatives either by the Scrutiny Committee or under the orders of this Court. The Scrutiny Committee referred the claim of petitioners to the Vigilance Cell for inquiry. The Vigilance Cell conducted the inquiry and submitted its report. The petitioners were given an opportunity of hearing by the Scrutiny Committee. After considering the documents available on record, the Scrutiny Committee passed the impugned order invalidating the petitioners' tribe claim.

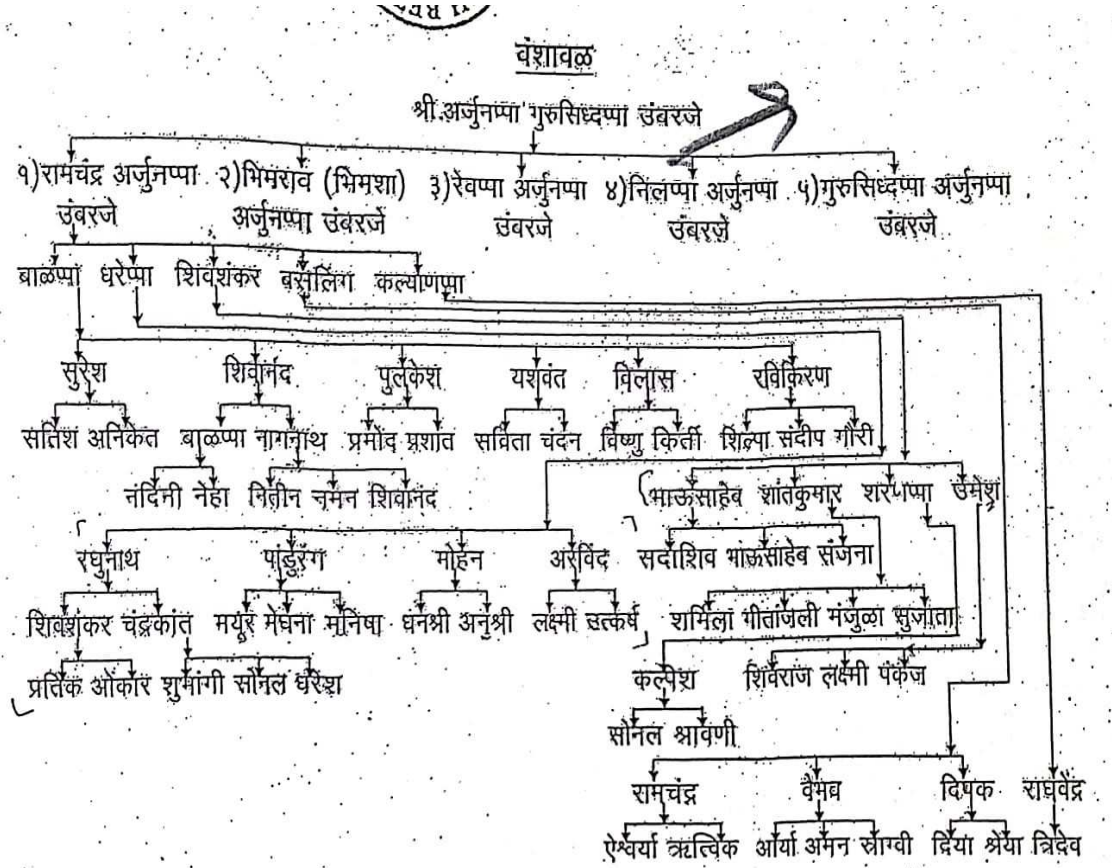
4. It is submitted by learned counsel for the petitioners that, there is no dispute in respect of the genealogy submitted by the petitioners before the Scrutiny Committee. The Committee on the basis of the Vigilance Cell report in some of the blood relatives' tribe claim inquiry, found the contra entries in the pre-constitution era documents and therefore invalidated the petitioners' tribe claim. There are 35 validity

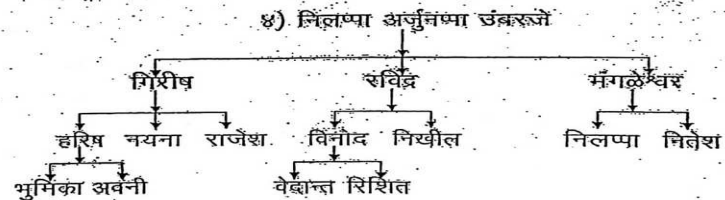
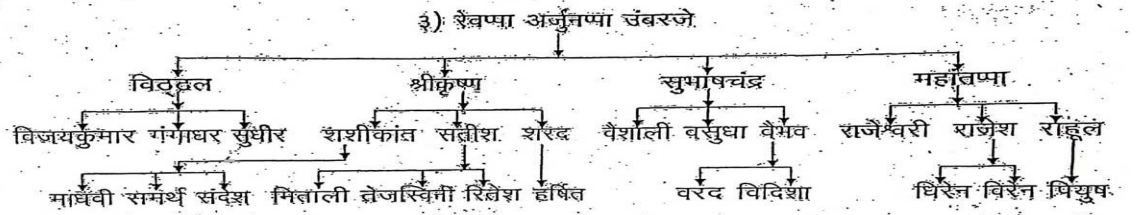
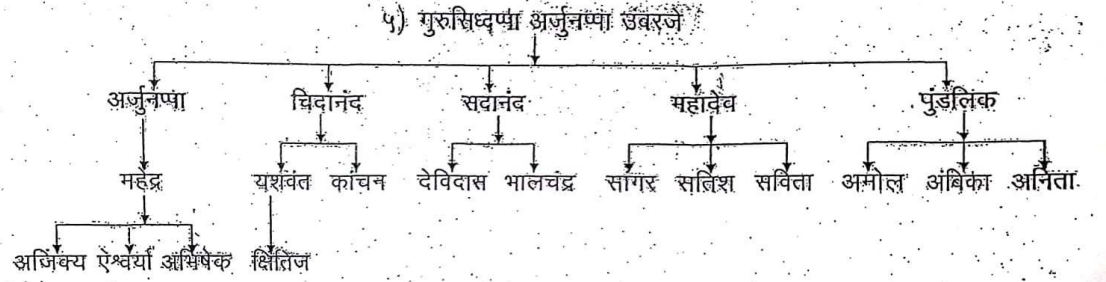
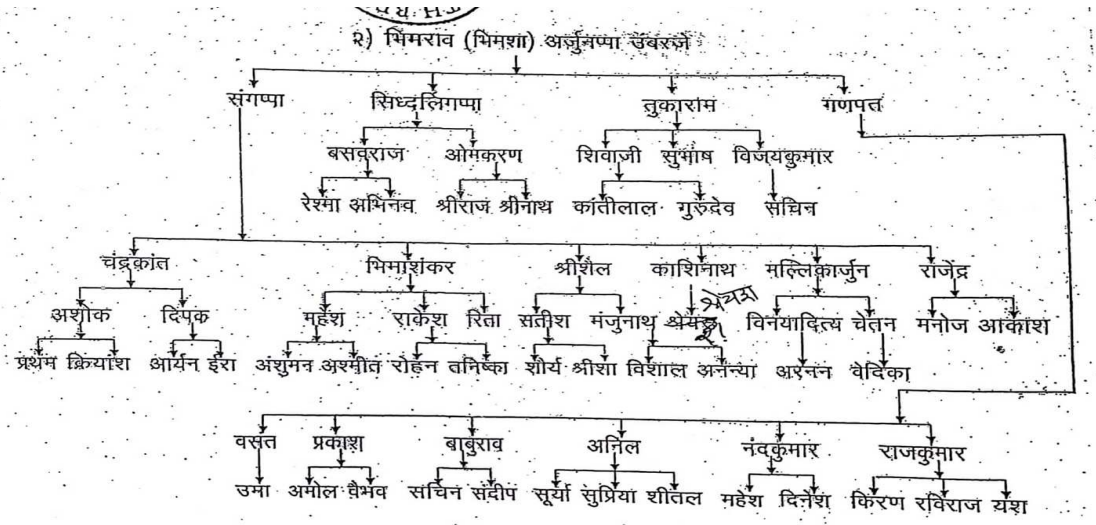
certificates issued by the Scrutiny Committee to the blood relatives of the petitioners and 20 blood relatives of the petitioners are issued the validity certificates pursuant to the orders of this Court. The Scrutiny Committee gave more weightage to the contra entries found in the documents while conducting the Vigilance Cell inquiry in some of the blood relatives of the petitioners and ignored the validity certificates issued to the blood relatives of the petitioners. He submitted that, this is the clear case which warrants interference by this Court in the impugned order and petitioners are entitled for validity certificates towards their claim.

5. It is submitted by learned AGP appearing for the State and the Scrutiny Committee that, though there is no dispute in respect of the genealogy and validity holders in the blood relations of the petitioners, the Scrutiny Committee found contra entries in the old records of the blood relatives of the petitioners during the inquiry in the tribe claim of the petitioners' relative and therefore the Committee has rightly passed the impugned order. There is no dispute in respect of number of validities in the blood relations of the petitioners' family from the paternal side. The Scrutiny Committee had reopened the validities granted to some of the blood relatives of the petitioners and had issued the show cause notices, which were challenged before this Court and

this Court allowed the petitions and set aside the show cause notices and the decision of this Court is challenged before the Hon'ble Supreme Court of India and the said challenge is pending. He submitted that considering the observations in the impugned order, the petition be dismissed.

6. The copy of genealogy is enclosed to the petition. The genealogy is reproduced below:





7. A perusal of the impugned order goes to show that during the Vigilance inquiry of the petitioners and in the matters of their cousin sister Sonal Chandrakant Umbarje, the entries of 'Koli' caste is found in number of documents of the blood relatives / ancestors of the petitioners and the claim of the petitioners is towards 'Koli Mahadev' which is the different tribe. The Scrutiny Committee further observed that, in the school records wherein the entries were of pre-constitution era, the entries towards the caste 'Mahadev Koli' was found to be in the different ink which suggests interpolation. The Committee further observed that, contra entries were found during the Vigilance inquiry of the other blood relatives of the petitioners and the Committee came to the conclusion that, the old documents is having more probative value and in the light of the said contra entries, the validity certificates issued to the blood relatives of the petitioners cannot be the basis to validate the petitioners' tribe claim.

8. There cannot be any dispute that, the pre-constitution era documents are having more probative value. However, the fact remains that there are more than 50 blood relatives of the petitioners having the validity certificates towards the 'Koli Mahadev' Scheduled Tribe. The papers show that, the father of petitioner No. 1 by name Harish Girish Umbarje and aunt namely Nayna Girish Umbarje had challenged the

invalidation of their tribe claim towards the 'Koli Mahadev' and the litigation went up to the Hon'ble Apex Court in SLP No. 14730 and 14731 of 1997. The said SLPs came to be disposed of by order dated 17.8.1998 by giving liberty to them to approach the civil court for declaration of their tribe claim towards the 'Koli Mahadev.' Accordingly, they had instituted the Regular Civil Suit No. 29 of 1999 wherein the State of Maharashtra and the Scrutiny Committee were the defendants and after the full-fledged trial the Civil Court (5th Joint Civil Judge Senior Division, Solapur) decreed the suit by judgment and decree dated 5.09.2001 (copy at page number 103 - Exhibit C) and declared them as belonging to the 'Koli Mahadev'-Scheduled Tribe and directed issuance of the tribe certificate to them. There is categoric averment in para 5 of the writ petition that the said Judgment and decree of the learned Civil Court was never challenged and it has attained finality. There is no contra averment to the said averment.

9. Nilappa Mangaleshwar Umbarje who is the cousin uncle of the petitioners had to approach this Court in Writ Petition No. 6561 of 2008 against the invalidation of his tribe claim by the Scrutiny Committee by order dated 5.07.2008 and this Court by judgment and order dated 5.08.2009 allowed the petition and set aside the order of invalidation passed by the Scrutiny Committee and directed to validate the tribe

claim of the said petitioner as belonging towards 'Koli Mahadev' Scheduled Tribe. The observations in the said order goes to show that, this Court considered the contra entries in several old documents such as the school record of blood relatives of Nilappa. This Court in the said order observed that, the reliance placed by the Scrutiny Committee on the report of the Vigilance inquiry conducted in the case of Pundalik Gursiddappa Umbarje who was the uncle of Nilappa was misplaced as the Division Bench of this Court in Writ Petition No. 7846 of 2003 filed by Pundalik Umbarje set aside the order of invalidation passed by the Scrutiny Committee and declared him to be belonging to 'Koli Mahadev' Scheduled Tribe. It is observed in the said judgment that, the Division Bench in the case of Pundalik observed that some of the close relatives of the petitioner (Pundalik) were granted certificates by Scrutiny Committee certifying that they belong to 'Koli Mahadev' Scheduled Tribe. It further observed that it must be presumed that while declaring Pundalik Umbarje as 'Koli Mahadev', this Court perused the entire record and the Scrutiny Committee was not successful in persuading this Court to dismiss the petition on the basis of the inquiry report on which the Scrutiny Committee had placed reliance. This Court observed that, the Scrutiny Committee erred in not placing reliance on school record of several relatives of the petitioners from paternal side pertaining to pre-constitution era showing them as 'Mahadev Koli' or

‘Hindu Mahadev Koli’.

10. The copies of the judgments / orders in Writ Petition No. 5517 of 2022 (Abhishek Mahendra Umbarje), Writ Petition No. 5519 of 2022 (Dhiren Rajesh Umbarje) and Writ Petition No. 5522 of 2022 (Chandrakant Raghunath Umbarje) decided on 23.09.2022, Writ Petition No. 2388 of 1994 (Mahesh Bhimshankar Umbarje) decided on 29.07.1994, Writ Petition No. 9072 of 2018 (Kum. Madhavi Shashikant Umbarje) decided on 13.08.2018, Writ Petition No. 2671 of 2020 (Kiran Rajkumar Umbarje and Others) decided on 31.03.2022, Writ Petition No. 6182 of 2010 (Bhalchandra S. Umbarje) decided on 29.11.2010 and Writ Petition No. 3735 of 2022 (Kum. Arya Vaibhav Umbarje) decided on 31.03.2022, shows that this Court set aside the orders passed by the Scrutiny Committee invalidating their claims towards the ‘Koli Mahadev’ Scheduled Tribe and directed issuance of the validity certificates in their favor. This Court in the judgment dated 31.03.2022 in WP No. 3735 of 2022 (Kumari Arya Vaibhav Umbarje) observed that, the validity certificate issued to Nilappa which attained finality was now a conclusive proof of social status of Nilappa towards the ‘Koli Mahadev’ Scheduled Tribe. It further observed that, it is the underlying principle that paternal relatives take the same caste as their common ancestors on the basis of their consanguinity. The said petitioners are seen to be

blood relatives of the petitioners from paternal side, from the undisputed genealogy.

11. In view of the above discussion, it is clear that there are several blood relatives from the paternal side of the petitioners having the validity certificates, some issued by Scrutiny Committee and some issued pursuant to the directions of this Court. Accepting the submissions of the learned AGP that, the Scrutiny Committee has filed the proceedings before the Hon'ble Supreme Court of India against the judgment and order passed by this Court setting aside the show cause notices issued to the blood relatives of the petitioner for cancelling their validity, it is not in dispute that, the said judgment and order of this Court is not set aside or stayed as on date. The above discussion goes to show that, in the earlier litigations in respect of the blood relatives of the petitioners, this Court considered the contra entries found in the old records of the blood relatives of petitioners and by considering the same, the orders of invalidation of the tribe claim passed by the Scrutiny Committee came to be set aside. Under such facts and circumstances of the matter, denying the validity certificate to the petitioners would be against the settled principle under the law. In the backdrop of the above discussion, the impugned order passed by the Scrutiny Committee is unsustainable and needs to be set aside and

direction for issuance of validity certificates is warranted. Hence we pass the following order.

ORDER

- a)** The Writ Petition is allowed.
- b)** The impugned order dated 25.08.2026 passed by the respondent No. 2- Scrutiny Committee is hereby quashed and set aside.
- c)** The respondent No. 2- Scrutiny Committee is directed to issue the validity certificate to the petitioners as belonging to the 'Koli Mahadev' Scheduled Tribe by 04.09.2026 before noon.

[Neeraj P. Dhote, J.]

[Sharmila U. Deshmukh, J.]

HARISH
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