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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 1533 OF 2023

Sandeep S/o Maruti Holkar
Age 55 years, Occu: Service,
R/o. Om Kunjir Colony,
Kate Vasti, Pimpale Saudagar, Pune
District Pune

... Petitioner

Versus

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

2. Scheduled Tribes Certificate
Scrutiny Committee,
Through its Member Secretary,
Pune Division, Pune

3. The Deputy Commissioner of Police
Office of Deputy Commissioner,
Headquarter, Pimpri Chinchwad,
Pune

.... Respondents

Ms. Akshara Sharad Madake h/f Ms.Sangita Shahu Survase, for the
Petitioner.
Ms.Reena A. Salunkhe, AGP for the Respondent-State.
Ms.Rupali Andhare, Law Officer- Respondent No.2, present.

**CORAM : M.S.KARNIK &
S.M.MODAK, JJ.**

DATE : 28th JANUARY, 2026

ORAL JUDGMENT (PER M.S.KARNIK, J.) :

1. Heard learned counsel for the Petitioner and learned Additional Government Pleader for the State. The challenge in this Petition is to the rejection of the caste claim of the Petitioner as belonging to 'Koli Mahadev, Scheduled Tribe' by the Respondent No.2 – Scheduled Tribes Certificate Scrutiny Committee, Pune (for short 'the Scrutiny Committee'). The principal contention of the Petitioner is that his real uncle-Dattatray Arjun Holkar, a close blood relative has been issued with certificate of validity as belonging to Koli Mahadev, Scheduled Tribe as far back as on 02/07/2003. It is also submitted that the Petitioner's cousin from the paternal side- Bhagyashree Bhausaheb Holkar has been issued with a certificate of validity as far back as on 16/06/2009.

2. Learned counsel for the Petitioner relied upon the decision of this Court in **Apoorva d/o Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1 and others¹** in support of her submission that if a close relative has been issued a certificate of validity, in that case, the Petitioner should not be deprived of the validity certificate. Paragraph 4 of the said decision reads thus :

¹ 2010 (6) Mh.L.J. 401

“We have considered the matter and we are of the view that the petitioner's caste claim that she belongs to Kanjar Bhat- Nomadic Tribe ought to have been accepted by the Committee merely on the basis that identical caste claim of her sister that she belongs to Kanjar Bhat has been allowed by the Committee, even apart from the Government Resolution. We are of the opinion that the guidelines provided by the said Govt. Resolution are sound and based on sound principles. It would indeed be chaotic otherwise. If the relationship by blood is established or not doubted, and one such relative has been confirmed as belonging to a particular caste, there is no reason why public time or money should be spent in the committee testing the same evidence and making the same conclusion unless of course the Committee finds on the evidence that the validity of the certificate of such relation has been obtained by fraud.”

3. Learned AGP for the Respondent-State in support of the impugned order submitted that the certificate of validity granted to the Petitioner's real uncle was without following the proper procedure and without there being Vigilance Cell enquiry. In any case, it is submitted that since a show cause notice has been issued to Dattatray Arjun Holkar, the present Petition should be dismissed for the reasons recorded by the Scrutiny Committee.

4. Learned counsel for the Petitioner relied upon the decision of this Court in **Shweta Balaji Isankar Vs. State of Maharashtra and ors²** in the context of show cause notice which is

² 2018 DGLS (Bom.) 2249

issued to a close blood relative and its effect on claim made by the Claimant on the basis of such validity certificate. Paragraphs 3 and 4 of the decision of **Shweta Balaji Isankar** (*supra*) reads thus :

“3. On such a finding being rendered by the Committee, we called upon the learned AGP on the earlier two occasions to produce the record. We also indicated to the learned AGP as to how the certificate of validity is denied to the petitioner though she has established her relationship with the said Govind and only on the ground that a show cause notice has been issued, but no proceedings in furtherance thereof came to be initiated till date. The learned AGP sought time to file an affidavit. Now, the Joint Commissioner, Schedule Tribe Scrutiny Committee, Aurangabad has filed an affidavit in reply. That is taken on record. The said affidavit admits that the certificate of validity has been issued to her real uncle and cousin uncle of the petitioner. The affidavit admits that the petitioner relies heavily on these two documents, but clarifies that there is a suppression detected from the original record of the certificate holder and that is how a show cause notice has been issued to Govind. The show cause notice could not be taken to its logical end on account of the huge pendency of cases before this Committee. In all, 7,000 matters were pending on the date when this Joint Commissioner took charge and he has reduced the pendency by 2500 cases being decided. In the circumstances, he says that appropriate orders and directions be issued by this Court.

4. We are not impressed by this explanation and the justification not to proceed against a person who has perpetrated a fraud on the public. If it is a serious allegation and which is termed as fraud, then, it should have been taken to its logical end. Mere issuance of a show cause notice in the present case would not suffice for there are two certificates of validity relied upon. The only reason assigned in the impugned order to discard them, cannot be sustained. The justification in the above affidavit is also not enough to straightaway discard the certificates of validity issued in the family. It is conceded that other reasons assigned in the impugned order cannot be supported in law.”

5. In the present case, we find that the Petitioner has established his relationship with Dattatray Arjun Holkar who is a

close blood relative of the Petitioner and there is no dispute to that effect. Further, there is no dispute that the validity certificate dated 02/07/2003 was issued by the Scrutiny Committee to Dattatray Arjun Holkar and that it is a genuine document. The show cause notice which is issued to Dattatray Arjun Holkar undoubtedly will be taken to its logical conclusion. The certificate of validity was issued to Dattatray Arjun Holkar as far back as on 02/07/2003. Merely because a show cause notice has been issued and is pending adjudication is no ground to discard such certificate of validity. Needless to mention that it is obviously open for the Scrutiny Committee to take the show cause notice to its logical conclusion in accordance with law. In the event, Dattatray Arjun Holkar's claim is invalidated, the necessary consequence on the Petitioner's certificate of validity shall undoubtedly follow.

6. The decision in the **Apoorva d/o Vinay Nichale** (*supra*) supports the Petitioner's case. The Petition therefore succeeds.

7. The Scrutiny Committee is directed to issue a certificate of validity to the Petitioner as belonging to 'Koli Mahadev, Scheduled Tribe' within a period of 6 weeks from the date of communication of this order.

8. The Writ Petition is disposed of.

(S.M.MODAK, J.)

(M.S.KARNIK, J.)