

Sharayu Khot.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10712 OF 2026

Rushank Sitaram Kataskar, Minor,
Thru father and natural guardian
Sitaram Vitthal Kataskar

...Petitioner

Versus

State of Maharashtra & Anr.

...Respondents

Mr. R.K. Mendadkar with Mr. Jagdish C. Kawale for the Petitioner.
Ms. D.S. Deshmukh, AGP for Respondents – State.

CORAM : R.I. CHAGLA J
FIRDOSH P. POONIWALLA, J

Reserved on : 20 August 2026

Pronounced on : 27 August 2026

ORDER : (*Per R.I. Chagla, J.*)

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

2. By this Petition, the Petitioner is seeking quashing and setting aside of the impugned order dated 23rd July 2026 passed by

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the Respondent No. 2 - Scrutiny Committee. The Petitioner was issued a Caste Certificate by the Competent Authority belonging to "**Koli Malhar**" Scheduled Tribe.

3. The Petitioner had submitted his Caste Certificate along with requisite supporting documents before Respondent No. 2 - Scrutiny Committee for validation for the purpose of education on 26th December 2025.

4. The Respondent No. 2 - Scrutiny Committee referred the Petitioner's case to the Police Vigilance Cell for inquiry and after conducting the detailed inquiry, the Police Vigilance Cell submitted its Report before the Respondent No. 2 Scrutiny Committee on 29th June 2026.

5. The Petitioner appeared for MHT-CET (PCM Group) 2026 wherein the results were declared on 15th June 2026. The Petitioner thereafter participated in Centralized Admission Process ("**CAP**") for admission to the First Year Undergraduate Technical Courses in Engineering and Technology/Integrated M.Tech for the Academic Year 2026-27 under the Scheduled Tribe category, for

which the Petitioner was required to produce the Scheduled Tribe Validity Certificate for securing admission under the Scheduled Tribe category.

6. The Respondent No. 2 - Scrutiny Committee passed the impugned order dated 23rd July 2026 invalidating the Caste Certificate of the Petitioner.

7. In view of the admission process being underway and the Petitioner requiring to produce the Scheduled Tribe Validity Certificate within the stipulated period, and the last date as per Notification issued by State CET Cell for submission stated to be 5th September 2026, the Petitioner has filed the present Petition.

8. Mr. Mendadkar, learned Counsel appearing for the Petitioner, has submitted that inspite of the documentary evidence, which had been produced by the Petitioner in support of his Tribe claim, which includes the Caste Validity Certificates of the Petitioner's father, brother, and direct blood relatives of the Petitioner from his paternal side, the impugned order had been passed by the Respondent No. 2 - Scrutiny Committee invalidating his Caste claim.

9. Mr. Mendadkar has referred to the judgment passed by this Court in *Smt. Shilpa Jay Wagh Vs. State of Maharashtra & Ors.*¹, wherein this Court faced with a similar case as the present where the Scrutiny Committee had not considered the Caste Validity Certificates of the Petitioner's blood relatives from the paternal side, had set aside the order of the Scrutiny Committee which had invalidated the caste claim of the Petitioner and directed the Scrutiny Committee to issue Caste Validity Certificate in respect of Thakur Scheduled Tribe community to the Petitioner within thirty days from the date of uploading of the said order. This Court had also made it clear that if any of the validity holders on whom the Petitioners have relied upon for claiming validity, suffer invalidation in the reopened cases, the Scrutiny Committee would be at liberty to reopen the Petitioners' cases as well, and the consequences suffered by those candidates whose claims are invalidated (after reopening of the case), would befall on the Petitioners as well. Mr. Mendadkar has accordingly sought for a similar order to be passed.

10. Ms. Deshmukh, the learned AGP appearing for the Respondent Nos. 1 and 2, has opposed the present Petition by

¹ Writ Petition No.18841 of 2024 dated 17th February 2026.

submitting that the Caste Validity Certificates, which the Petitioner has relied upon had been issued by the Scrutiny Committee without conducting Police Vigilance Cell inquiry. She has submitted that in absence of such Police Vigilance Cell inquiry, the Petitioner cannot place reliance upon the orders validating the caste claims of the Petitioner's blood relatives.

11. The learned AGP has placed reliance upon the judgment of the Supreme Court in *Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra & Ors*², wherein the Supreme Court has held that where the Scrutiny Committee is of the view that the Applicant has not clearly established that the person to whom the Caste Validity Certificate produced has been granted is his blood relative in terms of Sub-Rule (2) of Rule 2 of the Scheduled Tribe Rules, the Scrutiny Committee will have to refer the case to conduct an inquiry through Vigilance Cell. In such case, the Vigilance Cell can be directed by the Scrutiny Committee to conduct an inquiry limited to the relationship claimed by the Applicant with the person in whose favor the Caste Validity Certificate has been issued.

² (2023) 16 Supreme Court Cases 415.

12. The learned AGP has submitted that the Caste Certificate granted to the Petitioner's blood relatives are in respect of documents which have been fabricated and in respect of which show cause notices have been issued. These show cause notices have been issued after the orders were passed by the Scrutiny Committee validating the caste claim of the Petitioner's blood relatives. She submitted that, in view of the show cause notices having been issued, the impugned order of the Respondent No. 2 - Scrutiny Committee ought not to be set aside, particularly, considering that the impugned order had invalidated the caste claim of the Petitioner on the basis that there was tampering of documents produced by the Petitioner in respect of the Petitioner's blood relatives.

13. Having considered these submissions, a consistent view has been taken by this Court, particularly where the Petitioner has relied upon Caste Validity Certificates having been issued by the Scrutiny Committee to the Petitioner's blood relatives from the paternal side, to take such Caste Validity Certificates into consideration and allow the Petitions by directing the Scrutiny Committee to issue Caste Validity Certificate to the Petitioner by making it clear that if any of the validity holders on whom the

Petitioners before the Court have relied upon for claiming validity, suffer invalidation in reopened cases, the Respondent No. 2 Scrutiny Committee would be at liberty to reopen the Petitioner's case as well. Further, the consequences suffered by those candidates whose claims are invalidated (after reopening of the case) would befall on the Petitioners as well. This is in light of the contention made on behalf of the Respondent No. 2 - Scrutiny Committee that show cause notices have been issued to the paternal blood relatives of the Petitioner, to whom Caste Validity Certificates have been issued, alleging fraud.

14. It has been held by the Supreme Court in ***Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti*** (supra) that where the Scrutiny Committee has been satisfied that the person in whose favour the Caste Validity Certificate has been issued is a blood relative of the Applicant and lawful inquiry has been conducted before issuing the Validity Certificate, the Scrutiny Committee will have to issue the Validity Certificate.

15. Considering the documents on record, particularly those documents which make it evident that Caste Validity Certificates have

been issued to the Petitioner's blood relatives as belonging to Koli Malhar Scheduled Tribe, these Caste Validity Certificates are required to be taken into consideration. This is inspite of the Respondent No. 2 - Scrutiny Committee contending that there was no vigilance conducted in respect of the Petitioner's paternal blood relatives whilst granting the Caste Validity Certificate to them. Now that a view has been taken by the Scrutiny Committee that the Caste Validity Certificates are required to be issued to the Petitioner's blood relatives without vigilance being conducted, this cannot be questioned by the Scrutiny Committee, themselves, in these proceedings.

16. Further, it is necessary to refer to the decision of the Division Bench of this Court in *Shweta Balaji Isankar Vs. The State of Maharashtra*³, relied upon in *Smt. Shilpa Jay Wagh* (supra), wherein this Court has held that merely issuing show cause notices alleging fraud would not suffice where a Validity Certificate had been issued by the Competent Scrutiny Committee to the blood relatives of the Petitioner on the paternal side.

³ 2018 SCC OnLine Bom 10363.

17. We, accordingly, pass a similar order as has been passed by this Court in **Smt. Shilpa Jay Wagh** (supra).

18. Accordingly, the following order is passed:-

- i. The Writ Petition is partly allowed.
- ii. The impugned order dated 23rd July 2026 passed by the Respondent No. 2 - Scrutiny Committee is quashed and set aside.
- iii. The Caste Validity Certificate in respect of Koli Malhar Scheduled Tribe community shall be issued by the Respondent No. 2 - Scrutiny Committee to the Petitioner, within a period of one week from the date of this order.
- iv. If any of the validity holders on whom the Petitioner before this Court have relied upon for claiming validity, suffer invalidation in the reopened cases, the Respondent No. 2 - Committee would be at liberty to

reopen the Petitioner's case as well, and the consequences suffered by those candidates whose claims are invalidated (after reopening of the case), would befall on this Petitioner as well.

- v. The Writ Petition is disposed of in the above terms.
There shall be no order as to costs.

[FIRDOSH P. POONIWALLA, J.]

[R.I. CHAGLA J.]