



**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 106 of 2025

Krushna Dnyanoba Akele,
Age: 27 years, Occu: Education,
R/o. Dagdi, Tq. Nilanga, Dist. Latur

....PETITIONER

VERSUS

1. The State of Maharashtra,
Through its Secretary
Tribal Development Department,
Mantralay, Mumbai-32.
2. The Scheduled Tribe Certificate Scrutiny
Committee, Kinwat Head Quarter
Chh. Sambhajanagar,
Tq. & Dist. Chh. Sambhajanagar
Through its Deputy Director (R)

....RESPONDENTS

....
Mr. P. V. Jadhavar, Advocate for the Petitioner
Mr. V. M. Kagne, AGP for the Respondents-State
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**CORAM : MANISH PITALE AND
Y. G. KHOBRAGADE, JJ.**

DATE : 18.08.2025

ORDER (Per: Y. G. Khobragade, J.) :-

1. By the present petition, the petitioner takes exception to the order dated 11.12.2024 passed by Respondent No.2-Scrutiny Committee, thereby invalidating his 'Koli Mahadev' Schedule Tribe Certificate.

2. Having regard to the strenuous submissions canvassed on behalf of both sides, we have gone through the petition paper book.

3. Needless to say that, the petitioner is the aspiring student of professional course and he requires tribe validity certificate for the purpose of admission.

4. As per the genealogical tree, Pandurang Gangaram Akele had one son: Angad. Dnyanoba, Tukaram and Sopan are the sons of Angad. Laxmi, Radha, Krushna (Present petitioner) and Mandakini are the children of Dnyanoba. Vishwajeet, Abhijeet and Yashoda are the children of Tukaram. Purushottam and Priyadarshani are the children of Sopan.

5. On the face of record, it appears that on 04.02.2011, the Scrutiny Committee granted 'Koli Mahadev' Scheduled Tribe validity certificate in favour of Laxmi Dnyanoba Akele, the real sister of the present petitioner, as well as in favour of Tukaram Angad Akele and Sopan Angad Akele, the real uncles of the present petitioner. Furthermore, this Court had passed orders in ***Writ Petition Nos. 9214 of 2019 (Bhagwan Venkat Akele Vs. The State of Maharashtra & Ors.)***, ***6091 of 2019 (Vishwajeet Tukaram Akele Vs. The State of Maharashtra & Ors)***, ***9818 of 2024 (Yeshoda Tukaram Akele Vs. The State of Maharashtra & Ors)***, ***9819 of 2024 (Abhijeet Tukaram Akele Vs. The State of Maharashtra & Ors)*** and ***9820***

of 2024 (Purushottam Sopanrao Akele Vs. The State of Maharashtra & Ors), and granted conditional 'Koli Mahadev' scheduled tribe validity certificates in favour of the blood relatives of the petitioner.

6. The Scrutiny Committee has not denied the blood relationship between the petitioner and the other validity holders. It is also a matter of record that Respondent No.2-Scrutiny Committee has issued show cause notices to the said validity holders within the petitioner's family. However, as on today, their tribe validity certificates have not been revoked. Therefore, considering the the law laid down in the cases of ***Mah. Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra & Ors.; AIR 2023 SC 1657, Shweta Balaji Isankar Vs. State of Maharashtra & Ors., 2018 SCC Online Bom. 10341, Apoorva Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1 and Ors., 2010(6) Mh.L.J. 401***, wherein it has been concluded that when the biological father, biological siblings, biological uncle etc., are granted validity certificates, a candidate so related to them, cannot be deprived of a validity certificate.

7. Needless to say that this Court has passed several orders granting conditional validity certificates in favour of the paternal blood relatives of the Petitioner. Therefore, the Petitioner is also entitled to have a conditional validity certificate subject to the final outcome of the matters

which the Committee has decided to reopen.

8. The Petitioner appears to be an aspiring student seeking admission to a professional course and intends to secure admission under the Scheduled Tribe (ST) reserved category. Therefore, he is called upon to furnish undertaking that, in case, his caste validity certificate is invalidated by the Scrutiny Committee, in that event he shall pay the tuition fees and admission fees applicable to the candidate from open category and no equity shall lie in his favour.

9. In view of above discussion, the present Petition deserves to be allowed partly and the impugned order dated 11.12.2024 passed by Respondent No.2 Scrutiny Committee needs to be quashed and set aside. Accordingly, we proceed to pass the following order:-

ORDER

- (i) The Writ Petition is partly allowed.
- (ii) The impugned order dated 11.12.2024, passed by Respondent No.2 Scrutiny Committee is hereby quashed and set aside.
- (iii) Respondent No.2 Scrutiny Committee shall immediately issue 'Koli Mahadev' Scheduled Tribe validity certificate in favour of the Petitioner, which shall be subject to following conditions:-
 - (a) The caste validity certificates shall be subject to the outcome of the re-verification of the validity certificates of his blood relatives proposed by the Scrutiny Committee.

- (b) The Petitioner shall furnish undertaking before the Registrar (Judicial) of this Court as well as before the Scrutiny Committee and the Educational Institution with whom he will take admission for professional course, indicating that in case his tribe validity is revoked, he would deposit the tuition fees and other charges applicable to the candidates from open category.
- (c) The Petitioner shall not claim any equity.
- (d) The Petitioner shall cooperate with the Scrutiny Committee.

[Y. G. KHOBRAGADE, J.]

[MANISH PITALE, J.]

HRJadhav