



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

WRIT PETITION NO.834 OF 2025

Avinash s/o Ramesh Sapkal ... **PETITIONER**

VERSUS

The State of Maharashtra & anr. ... **RESPONDENTS**

.....
Mr. S.M. Kulkarni, Advocate for petitioner
Mr. P.K. Lakhotiya, A.G.P. for respondents
.....

**CORAM : R.G. AVACHAT AND
SUSHIL M. GHODESWAR, JJ.**

DATE : 20th SEPTEMBER, 2025

ORDER :

Heard. The petitioner claims to have belonged to "Koli Malhar", Scheduled Tribe. His tribe certificate was subjected to scrutiny. The respondent Scrutiny Committee refused to validate the same. The petitioner is, therefore, before us.

2. Admittedly, the father and real uncles of the petitioner hold validity certificates granted by the Scrutiny Committee. Learned A.G.P. adverted our attention to internal

page No.15 of the order impugned herein to point out that the relations of the petitioner in their school record and even in the revenue record as well have been shown to have belonged to Koli community, which falls in Special Backward Class category. He adverted our attention to some other entries to indicate the words "Koli Malhar" has been introduced later on in the school and revenue records. According to him, it is thus a case of obvious fraud. The fraud vitiates everything. According to him, the Scrutiny Committee is well within its powers to refuse to grant validity certificate. He relies on the judgment of the Apex Court in case of **Raju Ramsing Vasave Vs. Mahesh Deorao Bhivapurkar & ors. (2008) 9 SCC 54** in support of his such contention. The learned A.G.P. ultimately urged for dismissal of the Writ Petition.

3. We have perused the order impugned herein. Undisputedly, the father and real uncles of the petitioners have been granted validity certificates. It is informed that, yet the Scrutiny Committee has not issued any notice to the validity certificate holders indicating it to have proposed to reopen their cases. So far as regards case of fraud is concerned, those relations are not before this Court to address the grounds

raised by the learned A.G.P. So long as the father and uncles of the petitioner hold the validity certificates, we have no option but to grant the petitioner validity certificates on the ground of parity as well.

4. In the result, the Writ Petition succeeds. Hence the order :

ORDER

- (i) The Writ Petition is allowed.
- (ii) The order impugned herein is set aside. The respondent Scrutiny Committee shall issue the petitioner validity certificate of "Koli Malhar", Scheduled Tribe.
- (iii) The validity certificate to be issued pursuant to this order shall be coterminus with the validity certificates held by the father and uncles of the petitioner.
- (iv) The petitioner shall not claim any equity.
- (v) If the petitioner's case is reopened, he shall co-operate with the Scrutiny Committee in taking the matter to its logical conclusion.
- (vi) The petitioner shall furnish undertaking before the

Registrar (Judicial) of this Court as well as before the Scrutiny Committee to the effect that in future if he gets admission or employment, he will not claim equities if his claim is ultimately invalidated.

(SUSHIL M. GHODESWAR, J.)

(R.G. AVACHAT, J.)

FMPathan/-