



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1 WRIT PETITION NO. 1976 OF 2025

SUHAS BHASKAR SONONE
VERSUS
THE STATE OF MAHARASHTRA
THROUGH ITS SECRETARY AND ANOTHER

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Advocate for the Petitioner : Mr. Boinwad Omgashad B.
AGP for Respondents/State : Mr. S.P. Sonpawale
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CORAM : MANISH PITALE &
Y.G. KHOBRAGADE, JJ.

DATE : 16th September, 2025

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

1. The challenge in the present Petition is to the order dated 02.12.2024 passed by Respondent No.2 Scrutiny Committee thereby invalidating “Koli Malhar 30” Scheduled Tribe claim of the Petitioner.
2. Issue notice to the respondents. Learned AGP waives notice on behalf of both the Respondents.
3. The Petitioner claims that he belongs to Koli Malhar-30 Scheduled Tribe and he is intending to secure admission to professional course from the seat reserved for the Scheduled Tribe Category. Schedule of admissions has started as CET result is declared. Therefore,

considering the urgency shown, the petition is taken up for disposal at the stage of admission.

4. Having regard to the submissions canvassed on behalf of both the sides, we have gone through the record.

5. As per genealogical tree, Shri Rayaji Sonone the great grandfather of the Petitioner had children namely Ananda, Mandabai, Bala, Taibai and Sheshrao. Krishna, Bhaskar, Taramati are children of Ananda. Vishnu, Surekha, Shivaji and Sangita are children of Bala. Gajanan, Gnesh and Nivrutti are sons of Sheshrao. Tejasvini and Suhas (present Petitioner) are sons of Bhaskar. Jyoti, Swati and Vikas are children of Krishna.

6. On face of record, it appears that on 25.07.2018 the Coordinate Bench of this Court at Principal Seat passed an order in Writ Petition No.7485/2018 and granted conditional certificate to the cousin brother of the Petitioner. On 08.12.2005, the Scrutiny Committee had granted validity certificate of belonging to Koli Malhar Scheduled Tribe in favour of Bhaskar Ananda Sonone, father of the Petitioner. On 14.06.2007, the Scrutiny Committee had granted validity certificate of belonging to Koli Malhar Scheduled Tribe in favour of Krishna Ananda Sonone, uncle of the Petitioner and on 11.01.2010, the Respondent No.2 Scrutiny Committee had granted validity certificate of belonging to

Koli Malhar Scheduled Tribe in favour of Ganesh Sheshrao, paternal cousin uncle of the Petitioner.

7. Respondent No.2 passed the impugned order and invalidated the scheduled tribe claim of the Petitioner on the grounds the Petitioner has failed to prove the affinity test and that the paternal blood relatives of the Petitioner obtained validity certificates on the basis of false documents and concealment of original record and therefore, notice for revocation of their validity certificates was issued. However, as on today, the validity certificates of "Koli Malhar - 30" Scheduled Tribe issued in favour of blood relatives, including father of the Petitioner, are still in operation. Admittedly, the validity holders are the blood relatives of the Petitioner and the Committee has not denied the same.

8. In cases of *Mah. Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra & Ors.; AIR 2023 S.C. 1657, Shweta Balaji Isankar V/s. 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*, 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. Therefore, considering parity with the blood relatives of the petitioner, the Petitioner is entitled to have conditional validity subject to outcome of

the decision in the proceedings in respect of the blood relatives of the Petitioner, which the committee has decided to reopen.

9. Learned counsel for the Petitioner voluntarily submitted that blood relatives of the petitioner to whom the notices for revocation of validity have been served shall execute an undertaking before the Respondent No.2 Committee that they would regularly appear in the matter and shall cooperate with the Committee for early decision in the said matter.

10. The Petitioner appears to be the aspiring student for the professional course. Therefore, he is called upon to furnish undertaking before the Respondent No.2 as well as with the Educational Institution that, in case, his tribe validity certificate is invalidated by the Scrutiny Committee, in that event he shall pay the tuition fees and admission fees applicable to the candidates from open category and no equity shall lie in his favour.

11. In view of above discussion, the present Petition deserves to be allowed partly and the impugned order dated 02.12.2024 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 02.12.2024, passed by Respondent No.2 Scrutiny Committee is hereby quashed and set aside.

iii) Respondent No.2 Scrutiny Committee shall **immediately** issue “Koli Malhar 30” Scheduled Tribe validity certificate in favour of the Petitioner, which shall be subject to following conditions:-

(a) The caste validity certificate shall be subject to the outcome of the re-verification of the validity certificates of the his blood relatives, if any, 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 caste 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.

iv) Bhaskar Sonone and other blood relatives of the Petitioner, to whom the notice for revocation of validity has been served, shall furnish undertaking before the Scrutiny Committee on or before 22.09.2025, stating that they will cooperate and appear before the Scrutiny Committee as and when called upon.

(Y. G. KHOBRAGADE, J.)

(MANISH PITALE, J.)

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