



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9344 OF 2021

Avinash S/o Anil Komatwar
Age : 21 years, Occ : Service,
R/o Near Baba Magan Old Talkie
Kalamb, Tq. Kalamb, Dist. Osmanabad.

... PETITIONER

...VERSUS...

1. The State of Maharashtra,
Through its Secretary,
Home Department,
Mantralaya, Mumbai.
2. The Scheduled Tribe Caste Certificate
Verification committee, Aurangabad,
Through its Dy. Director (R),
Aurangabad.
3. The Principal,
Tarachandji Nikhade D.Ed. College,
Sakoli, Dist. Bhandara.

... RESPONDENTS

WITH

WRIT PETITION NO. 6192 OF 2021

Sanjay Ramchandra Komatwar
Age : 50 years, Occ : Service,
R/o Makrand Housing Society,
More Wadi, Ambajogai, Tq. Ambajogai,
Dist. Beed.

... PETITIONER

...VERSUS...

1. The State of Maharashtra,
Through its Secretary,
Home Department,
Mantralaya, Mumbai.
2. The Scheduled Tribe Caste Certificate
Verification committee, Aurangabad,
Through its Dy. Director (R),
Aurangabad.
3. The Superintendent of Police,
Beed, Dist. Beed.

... RESPONDENTS

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- Mr. Sunil M. Vibhute, Advocate for the petitioners.
 - Mrs. V.P. Dama, A.G.P. for Respondent/State.
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**CORAM : NITIN B. SURYAWANSHI AND
VAISHALI PATIL – JADHAV, JJ.**

RESERVED ON : DECEMBER 12, 2025

PRONOUNCED ON : DECEMBER 18, 2025

JUDGMENT [Per Vaishali Patil – Jadhav, J.] :

. Rule. Rule made returnable forthwith. Heard finally with
the consent of the parties.

2. By these petitions filed under Article 226 of the
Constitution of India, the petitioners challenge the common decision
dated 25.03.2021 passed by Respondent no.2 - Committee, thereby

invalidating the Tribe Claims of the petitioners as belonging to "Rajgond, Scheduled Tribe".

3. We have heard learned Advocate for the petitioners and learned A.G.P for the respondent/State assisted by Law Officer of the Committee. Perused the record produced by the learned A.G.P

4. Before the Committee, the petitioners have relied upon the validity certificates issued to their nephew and niece. Almost 21 validities granted to the blood relatives of the petitioners are mentioned in the Vigilance Report.

5. The Committee has rejected the tribe claims of the petitioners holding that in some of the documents brought by vigilance cell word "Telang" is mentioned in caste column and same does not indicate any caste. According to the Committee, it may be interpreted as "Gaud Telang" which is not Scheduled Tribe. The Committee has misdirected itself in making such observations. In the light of ratio of the Apex Court in ***State of Maharashtra Vs. Milind and others, (2001)1 SCC 4***, the caste entry has to be read as it is. Therefore, the said observation of the committee is unsustainable.

6. The Committee has also held that the petitioners have failed to pass the affinity test. In view of the judgments in cases of *Anand Vs. Committee for Scrutiny and Verification of Tribe Claims and others (2012) 1 SCC 113* and *Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. The State of Maharashtra and Ors, 2023 SCC Online SC 326*, the affinity test is no more held to be litmus test and it has to be considered as corroborating to the documentary evidence produced by the claimant. Therefore, the said reason is also unsustainable.

7. The common vigilance cell enquiry was conducted in the claims of Niketan Suresh Komatwar, Suresh Ramchandra Komatwar and present petitioners, Sanjay Ramchandra Komatwar and Sapna Ramchandra Komatwar and the same was taken into consideration by the Committee while deciding the tribe claims of the petitioners.

8. Learned Advocate for petitioners has relied upon the conditional validity granted to Niketan Suresh Komatwar and Suresh Ramchandra Komatwar by this Court in Writ Petition no. 4047/2020 and Writ Petition no. 5955/2020 by the common order dated 05.07.2023. Relevant observations of this Court are as follows :-

"7. We are of the considered view that since the petitioners have been relying upon the validities of the blood relations from the paternal side which are still in existence and have not been revoked or cancelled and when there is absolutely no dispute about the blood relation between these validity holders and the petitioners, we are bound by the observations of the Supreme Court in the matter of Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and others; 2023 SCC Online SC 326, it has specifically observed therein that though the committee is entitled to demonstrate that the validities being relied upon by the claimants were not obtained in accordance with the decision in the matter of Ku. Madhuri Patil and another Vs. Additional Commissioner, Tribal Development, Thane and others; (1997) 5 SCC 437 or the rules, the scrutiny committee is entitled to undertake a fresh scrutiny by issuing notices to the validity holders.

8. Admittedly, though in the impugned orders the committee has made some attempt on these lines to demonstrate as to how the petitioners are not entitled to derive benefit of these validities which were obtained either by practising fraud or by misleading the then scrutiny committee and even though it has also expressed its intention to re-open the cases of the validity holders, as of now, the process has not been undertaken much less to take it to the logical end. Pertinently, the common order in the matter of Suresh and Niketan was passed on 16-12-2019. For a period of more than 3-1/2 years, there is no progress to make any attempt to re-investigate and revoke the certificates granted to

the validity holders. In our considered view, irrespective of the reasons for the committee to take a decision for re-opening these cases, for the time being the petitioners cannot be denied the benefit of social status for years together and they cannot be expected to wait till the committee finds time and decides the matters of the validity holders after reconsideration."

9. In this petitions also common order is passed by the Committee on 25.3.2021 and though expressed in the order, but till date no show cause notice to re-open the claims are issued. As the conditional validity is issued to Niketan and Sapna, the petitioners deserve the same relief on the ground of parity. In the result we pass following order :-

ORDER

- (i) Writ Petitions are partly allowed.
- (ii) The impugned common order dated 25.03.2021 passed by respondent no.2 - Committee is hereby quashed and set aside qua the petitioners.
- (iii) The respondent no.2 - Committee is directed to issue validity certificate to the petitioners as belonging to "Rajgond, Scheduled Tribe" within four weeks from the date of uploading of the order. However, such certificates would be valid subject to the outcome of the matter/s

being re-opened by the Scrutiny Committee and that the petitioners shall not claim equities.

10. Rule is made absolute accordingly.

[VAISHALI PATIL – JADHAV, J.]

[NITIN B. SURYAWANSHI, J.]