



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

WRIT PETITION NO. 5249 OF 2025

Laiba Fatima d/o Irfan Khan ... **Petitioner**
Age 21 years, Occu: Student
R/o Lota Karanja, Chh. Sambhajinagar

VERSUS

1. The State of Maharashtra,
Through its Secretary
Tribal Development Department,
Mantralaya, Mumbai 32
2. Scheduled Tribe Certificate Verification ... **Respondents**
Committee, Chhatrapati Sambhajinagar
Through its Deputy Director and Member
Secretary

Mr. C. R. Thorat, Advocate for the petitioner,
Mr. V M. Kagne, AGP for the Respondents State

**CORAM : MANISH PITALE &
Y. G. KHOBRADE, JJ.**

DATE : 19.08.2025

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

1. The challenge in the present Petition is to the order dated 07.04.2025, passed by Respondent No.2 Scrutiny Committee, invalidating "Tadvi" Scheduled Tribe Certificate of the Petitioner.
2. The petitioner is a student and requires validity for education purpose. The petitioner is intending to secure admission to Paramedical

Course from the seat reserved for the Scheduled Tribe Category. Schedule of admissions has started as NEET result is declared. Therefore, considering the extreme urgency shown, the petition is taken up for disposal at the stage of admission.

3. Heard both sides at length.

4. As per the genealogical tree, Saheb Khan Biland Khan Tadvi, great grandfather of the petitioner, had two sons namely, Usman Khan Saheb Khan Tadvi (grandfather of the petitioner) and Umar Khan Saheb Khan Tadvi. On face of record, it appears that on 26.05.2010 Respondent No.2 Scrutiny Committee granted validity certificate of belonging to Tadvi Schedule tribe in favour of Irfan Khan Usman Osman Khan Tadvi, father of the petitioner.

5. Respondent No.2 passed the impugned order and invalidated the Tadvi scheduled tribe claim of the petitioner on the ground the petitioner has relied on false documents and she has also failed to prove the affinity test. It is submitted that father of the petitioner is served with notice for revocation of his validity certificate. However, as on today, the validity certificate of Tadvi Scheduled Tribe issued in favour of father of the petitioner is still in operation. Admittedly, the validity holder is father of the petitioner and the committee has not denied the same.

6. Learned counsel for the petitioner voluntarily submitted that blood relative of the petitioner to whom the notice for revocation of validity has been served shall execute an undertaking before the Respondent No.2 Committee that he would regularly appear in the matter and shall cooperate with the Committee for early decision in the said matter.

7. Since the paternal blood relative i.e. father of the Petitioner is having “Tadvi ” Scheduled Tribe Validity Certificate, considering the parity, the Petitioner is also entitled to have “Tadvi” Scheduled Tribe Validity Certificate. However, such validity shall be subject to the outcome of the decision in the proceeding in respect of blood relative of the Petitioner, which the Respondent No.2 decided to re-open.

8. Considering 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, the present Petitioner is entitled to have the certificate of validity.

9. The Petitioner appears to be the aspiring student for the professional course. Therefore, she is called upon to furnish undertaking that, in case, her tribe validity certificate is invalidated by the Scrutiny Committee, in that event she shall pay the tuition fees and admission fees applicable to the candidates from open category and no equity shall lie in her favour.

10. In view of above discussion, the present Petition deserves to be allowed partly and the impugned order dated 07.04.2025 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 07.04.2025, passed by Respondent No.2 Scrutiny Committee is hereby quashed and set aside.
- (iii) Respondent No.2 Scrutiny Committee shall **immediately** issue “Tadvi” 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 her 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 she will take admission for professional course, indicating that in case her caste validity is revoked, she 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.)

JPChavan