



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

WRIT PETITION NO. 5331 OF 2025

1. Pandurang Ashok Jakulwar ... **Petitioner**
Age 35 years, Occu: Education
R/o Natkar Galli, Degloor Dist. Nanded

VERSUS

1. The State of Maharashtra,
Through its Principal Secretary
Tribal Development Department,
Mantralaya, Mumbai 32
2. Scheduled Tribe certificate Verification ... **Respondents**
Committee, Kinwat
Headquarter at Chhatrapati Sambhajinagar,
Through its Deputy Director of Research

AND

WRIT PETITION NO. 5343 OF 2025

1. Shailesh Ashok Jakulwar ... **Petitioner**
Age 30 years, Occu: Education
R/o Natkar Galli, Degloor Dist. Nanded

VERSUS

1. The State of Maharashtra,
Through its Principal Secretary
Tribal Development Department,
Mantralaya, Mumbai 32
2. Scheduled Tribe certificate Verification ... **Respondents**
Committee, Kinwat
Headquarter at Chhatrapati Sambhajinagar,
Through its Deputy Director of Research

Mr.Pratap V. Jadhavar, Advocate for the petitioners,
Ms. Neha B. Kamble and Mr.R. K.Ingole, AGPs for the Respondents State

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

DATE : **19.08.2025**

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

1. By the present petitions under Article 226 of the Constitution of India, the Petitioners, who are real brothers, take exception to the order dated 06.01.2025 passed by Respondent No.2 Scrutiny Committee, thereby invalidating their "Koli Mahadev" Schedule Tribe Certificates.

2. The petitioners in both these petitions require the validity for the education purpose. Their claim has been rejected by the Committee by a common order dated 06.01.2025. Therefore, considering the urgency shown, the both these petitions are taken up together for disposal at the stage of admission.

3. The petitioners claim that they belong to "Koli Mahadev" Scheduled Tribe. Their individual proposals were forwarded to Respondent No.2 Scrutiny Committee for validation of their tribe certificates. The petitioners have submitted various documents, including validity certificates of blood relatives, school entries etc. in support of their claims. However, by a common order dated 06/01.2025, the claims of the petitioners of belonging to "Koli Mahadev" Scheduled Tribe are rejected by the Committee.

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

5. As per the genealogical tree, Mhaisaji Ramji Jakulwar (grandfather of the petitioners) had two sons namely, Balu Mhaisaji Jakulwar and Poshati Mhaisaji Jakulwar. Ashok (father of the petitioners) is the son of Balu Mhaisaji Jakulwar. Gangadhar is the son of Poshati Jakulwar. Nilesh is the son of Gangadhar Jakulwar.

6. On the face of record, it appears that on 08.03.2006, the Scrutiny Committee has granted validity certificate of belonging to Koli Mahadev Schedule tribe in favour of Ashok Balu Jakulwar, father of the petitioners. It appears that Gangadhar Poshati Jakulwar, real uncle of the petitioners and Nilesh Gangadhar Jakulwar, cousin of the petitioners are also issued with validity certificates of belonging to Koli Mahadev Schedule tribe by the Scrutiny Committee.

7. Needless to say that, Respondent No. 2 passed an order in cases of real uncle and cousin of petitioners and revoked "Mannervarlu" Scheduled Tribe Validity Certificate. Therefore, uncle and cousin of the petitioners filed Writ Petition No. 2595 of 2025 before this court. On 10.03.2025 this court issued notice and granted stay to the order of

revocation of their validity. As on today, the said writ petition is pending for final decision.

8. Respondent No.2 passed the impugned order and invalidated the scheduled tribe claim of the petitioners on the ground that paternal blood relatives of the petitioners 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 Mahadev Scheduled Tribe issued in favour of blood relatives of the petitioners, including father of the petitioners are still in operation. Admittedly, the validity holders are the blood relatives of the petitioners and the Committee has not denied the same.

9. 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 party with the blood relatives of the petitioners, the

petitioners are entitled to have conditional validity subject to outcome of the decision in the proceedings in respect of the blood relatives of the petitioners, which the committee has decided to reopen.

10. Learned counsel for the petitioners voluntarily submitted that blood relatives of the petitioners to whom the notice for revocation of validity has 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.

11. The Petitioners appear to be the aspiring students for the professional courses. Therefore, they are called upon to furnish undertaking that, in case, their caste validity certificates are invalidated by the Scrutiny Committee, in that event they shall pay the tuition fees and admission fees applicable to the candidates from open category and no equity shall lie in their favour.

12. In view of above discussion, the present Petitions deserve to be allowed partly and the impugned order dated 06.01.2025 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 Petitions are partly allowed.
- (ii) The impugned order dated on 06.01.2025, 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 certificates in favour of the Petitioners, 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 their blood relatives proposed by the Scrutiny Committee and they shall also be subject to the result of Writ Petition No.2595 of 2025.
 - (b) The Petitioners shall furnish undertaking before the Registrar (Judicial) of this Court as well as before the Scrutiny Committee and the Educational Institutions with whom they will take admissions for professional courses, indicating that in case their caste validity is revoked, they would deposit the tuition fees and other charges applicable to the candidates from open category.
 - (c) The Petitioners shall not claim any equity.
 - (d) The Petitioners shall cooperate with the Scrutiny Committee.

(Y. G. KHOBRAGADE, J.)

(MANISH PITALE, J.)