



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 5859 OF 2025

Shrutika d/o Baban Solanke ... Petitioner
Age 19 years, Occu: Student
R/o Sai Mandir, Koliwadi, Purna
Tq. Purna, Dist. Nanded

VERSUS

1. The State of Maharashtra,
Through its Secretary
Tribal Development Department,
Mantralaya, Mumbai 32
2. Scheduled Tribe Certificate Scrutiny ... Respondents
Committee, Chh. Sambhajinagar
Through its Member Secretary

Mr. Vivekanand U. Jadhav, Advocate for the petitioner,
Mr. V. M. Kagne, AGP for the Respondents State

CORAM : MANISH PITALE &
Y. G. KHOBRADE, JJ.
DATE : 22.08.2025

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

1. The challenge in the present Petition is to the order dated 08.04.2025, passed by Respondent No.2 Scrutiny Committee, invalidating “Koli Mahadev” 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 professional course from the seat reserved for the Scheduled Tribe Category. Therefore, considering the 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, Gunaji Kishanrao Solanke, grandfather of the petitioner has four sons namely, Eknath, Nivrutti, Tukaram and Baban. Balaji (validity holder) is son of Eknath Gunaji Solanke. Petitioner is the daughter of Baban Gunaji Solanke. On face of record, on 11.08.20011, Respondent No.2 Scrutiny Committee granted validity certificate of belonging to Koli Mahadev Schedule Tribe in favour of Balaji Eknath Solanke, cousin brother of the petitioner.

5. It is submitted that paternal blood relative who is having validity certificate is served with notice for revocation of their validity certificates. However, as on today, the validity certificate of Koli Mahadev Scheduled Tribe issued in favour of the blood relative i.e. cousin brother of the petitioner are still in operation. Admittedly, the validity holder is blood relative i.e. cousin brother of the petitioner and the committee has not denied the same.

6. Since the paternal blood relative of the Petitioner is having “Koli Mahadev” Scheduled Tribe validity certificate, considering the parity, the Petitioner is also entitled to have “Koli Mahadev” 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.

7. 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 forthwith 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.

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 caste 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 08.04.2025, 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 08.04.2025, 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 certificate in favour of the Petitioner, 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 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.
- (v) Mr. Baban Eknath Solanke, who is blood relative of the Petitioner, shall furnish undertaking before the Scrutiny Committee, stating that he will cooperate and appear before the Scrutiny Committee as and when called upon

(Y. G. KHOBRAGADE, J.)

(MANISH PITALE, J.)

JPChavan