



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

WRIT PETITION NO. 9491 OF 2025

Parthesh Omprakash Margapwar
Age: 19 years, Occu. Education,
R/o House No.15/13/1,
Datta Nagar, Chh. Sambhajinagar,
Tq. & Dist. Chh. Sambhajinagar

... PETITIONER

VERSUS

1. The State of Maharashtra
Through it's Secretary,
Tribal Development Department,
Mantralaya, Mumbai-32
2. The Scheduled Tribe Certificate
Scrutiny Committee,
Ch. Sambhajinagar Division,
Ch. Sambhajinagar,
Through its Deputy Director (R)

... RESPONDENTS

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Mr. Pratap V. Jadhavar, Advocate for the Petitioner
Mr. S. P. Sonpawale, AGP for the Respondents - State

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

DATE : 04.08.2025

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

1. Heard learned counsel for the Petitioner and the
learned AGP for the Respondents. With consent of both the
parties, the matter is heard finally at the stage of admission.

2. The challenge in the present Petition is to the order dated 19.06.2025, passed by Respondent No.2 Scrutiny Committee, invalidating “Koli Mahadev” Scheduled Tribe claim of the Petitioner.

3. The learned counsel for the Petitioner took us through the genealogical tree of the Petitioner. Shri Malanna, the great grandfather of the Petitioner, had two sons, namely, Shivrani and Balaji. Omprakash, Shyam, Shankar and Geeta, are the children of Shivrani. The Petitioner is the son of Omprakash. As per the second branch of genealogical tree, Shri Balaji is having three children, namely, Shankar, Anita and Nagnath. Shivrani, Sulochana, Pournama, Jayshree and Jyotsna are the children of Shankar.

4. On 16.08.2011, the Respondent No.2 Scrutiny Committee has granted “Koli Mahadev” Scheduled Tribe certificate in favour of Shivrani Shankar Margapwar and the said certificate continues to remain valid.

5. The learned AGP submitted that, as per the Vigilance Cell report, there are interpolations in the caste column of the petitioner’s blood relatives. So also, the words “ म ” and “ महादेव ” are written in different ink in the school records. Also, Shri Shivrani Shankarrao

Margapwar, is served with the show cause notice for revocation of his caste claim. Therefore, the Petitioner is not entitled for validity certificate.

6. Needless to say that though Shivling Shankarrao Margapwar, the cousin of the present Petitioner is served with the notice for revocation of his caste validity certificate, but as on today, the said validity certificate has not been revoked and it is still in existence. Therefore, taking into consideration 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 a certificate of validity.

7. The parity lies in favour of the Petitioner to have “Koli Mahadev” Scheduled Tribe validity certificate. However, the

Respondent No.2 Scrutiny Committee has passed the impugned order invalidating the caste claim of the Petitioner without cogent and substantial reason. Therefore, the present Petition deserves to be partly allowed and impugned order dated 19.06.2025, passed by Respondent No.2 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 19.06.2025, passed by Respondent No.2 Scrutiny Committee is hereby quashed and set aside.
- (iii) Respondent No.2 Scrutiny Committee shall issue tribe validity certificate in favour of the Petitioner as belonging to “Koli Mahadev” Scheduled Tribe, **forthwith**, which shall be subject to the final outcome of the matters which the Committee has decided to re-open.
- (iv) The Petitioner shall not be entitled to claim equities.

[Y. G. KHOBRADE, J.]

[MANISH PITALE, J.]