



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

WRIT PETITION NO. 9503 OF 2025

Datta Sambhaji Waghmode
Age: 30 years, Occu. Education,
R/o. Umarga, Tq. Umarga,
Dist. Dharashiv

... 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

AND

WRIT PETITION NO. 9506 OF 2025

Shubhangi Sambhaji Waghmode
Age: 34 years, Occu. Service,
R/o. Umarga, Tq. Umarga,
Dist. Dharashiv

... 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. Sambhajanagar Division, Ch. Sambhajanagar, Through its Deputy Director (R)

3) The Chief Executive Officer, Zilla Parishad, Dharashiv, Tq. & Dist. Dharashiv

... RESPONDENTS

....

Mr. Pratap V. Jadhavar, Advocate for the Petitioners

Mr. S. P. Sonpawale and Ms Saie S. Joshi, AGPs for Respondent Nos. 1 and 2, respectively

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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 Petitioners and the learned AGP for the Respondents.

2. By the present Writ Petition, the Petitioners who are the real brother and sister, have assailed the order dated 29.04.2025, passed by Respondent No.2 Scrutiny Committee, thereby invalidated their "Koli Mahadev" Scheduled Tribe claim.

3. On face of record, it appears that Respondent No.2 Scrutiny Committee, has issued “Koli Mahadev” Scheduled Tribe validity certificate in favour of Petitioners’ real sister Gita Sambhaji Waghmode on 06.10.2023. The Scrutiny Committee has also issued the validity certificate in favour of Venkat Bankat Waghmode on 18.12.2004, Dhondiba Mahadeo Waghmode on 10.06.2008, Anant Sambhaji Waghmode on 20.09.2010.

4. Further, this Court has passed the order in Writ Petition No.1239 of 2022 (Shrinivas Dhondiba Waghmode and another Vs. The State of Maharashtra and others) on 30.08.2023 and directed the Scrutiny Committee to issue conditional validity certificates to the Petitioners belonging to “Koli Mahadev” Scheduled Tribe. In Writ Petition No.5001 of 2018 (Geeta Sambhaji Waghmode Vs. The State of Maharashtra and others), (who is real sister of the present Petitioners), this Court vide order 27.09.2023, directed the Scrutiny Committee to issue conditional validity certificate to the Petitioner. 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 Petitioners are entitled to have certificates of validity.

5. The Respondent No.2 Scrutiny Committee has passed the impugned order without assigning cogent and substantial reasons. Therefore, the impugned order is not sustainable in the eyes of law. Hence, it 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 29.04.2025, passed by Respondent No.2 Scrutiny Committee, is hereby quashed and set aside.
- (iii) Respondent No.2 Scrutiny Committee shall issue “Koli Mahadev” Scheduled Tribe validity certificates in favour of the Petitioners within a period of four weeks from today, which shall be subject to the following conditions:-

- (a) The caste validity certificate shall be subject to the outcome of the re-verification of the validity certificates of their blood relatives proposed by the Scrutiny Committee.
- (b) The Petitioners shall not claim any equity.
- (c) The Petitioners shall cooperate with the Scrutiny Committee.

[Y. G. KHOBRADE, J.]

[MANISH PITALE, J.]

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