



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

963 WRIT PETITION NO. 9084 OF 2025

SHANTANU SHIVSHANKAR PHULE
VERSUS
THE STATE OF MAHARASHTRA
THROUGH ITS SECRETARY AND ANOTHER

.....
Advocate for the Petitioner : Mr. Boinwad Omgashad B.
AGP for Respondents/State : Mr. V.M. Kagne
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CORAM : MANISH PITALE &
Y.G. KHOBRAGADE, JJ.
DATE : 14th August, 2025

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

1. Heard the learned counsel for the Petitioner and the learned AGP for the Respondents. With consent of both the sides, the matter is heard finally at the stage of admission.
2. The challenge in the present Petition is to the order dated 18.07.2025, passed by Respondent No.2/ Scrutiny Committee, invalidating "Koli Mahadev-29" Scheduled Tribe claim of the Petitioner.
3. As per the genealogical tree, Tulshiram Phule the great grandfather of the Petitioner was having three children namely Ram,

Sonabai and Raghuram. Shivshankar, Santosh and Laxman are sons of Raghuram. The present Petitioner-Shantanu is son of Shivshankar.

4. On face of record it appears that on 10.05.2011, the Respondent No.2/Scrutiny Committee granted Koli Mahadev Scheduled Tribe validity certificates in favour of Santosh and Laxman, real uncles of the present Petitioner. On 18.07.2025, Respondent No.2/Scrutiny Committee passed the impugned order holding that Santosh and Laxman the real uncles of the Petitioner obtained validity certificates by concealing the real facts and revenue documents. However, till date the validity certificate of real uncles of the Petitioner are still in existence and have not been revoked. The blood relations between the Petitioner and the validity holders has not been denied by the Respondent No.2.

5. Therefore, 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 Petitioners are entitled to have the certificates of validity.

6. The Petitioner appears to be aspiring student pursuing professional course. Therefore, he is called upon to furnish undertaking that, in case, his caste validity certificate is invalidated by the Scrutiny Committee, in that event he shall pay the tuition fees and admission fees applicable to the candidate from open category and no equity shall lie in his favour. In view of above discussion, the present Petition deserves to be allowed partly and the impugned order dated 18.07.2025 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 18.07.2025, passed by Respondent No.2/ Scrutiny Committee is hereby quashed and set aside.
- (iii) Respondent No.2 Scrutiny Committee shall **immediately** issue “Koli Mahadev-29” 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 his 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 Institutions with whom he will take admission for professional course, indicating that in case his caste validity is revoked, he 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. KHOBRADE, J.]

[MANISH PITALE, J.]