



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9751 OF 2025

1. MAHESH ASHOKRAO TARFEWAD
2. SUBHASH DINESHRAO TARFEWAD
3. PRATHMESH DINESHRAO TARFEWAD
4. RISHIKESH SHANKARRAO TARFEWAD

VERSUS

THE STATE OF MAHARASHTRA
THROUGH ITS SECRETARY AND ANOTHER

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Advocate for the Petitioner : Mr. Sagar S. Phatale
AGP for Respondents/State : Mr. S.V. Hange

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

DATE : 6th August, 2025

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

1. By the present petition, the Petitioners have challenged the order dated 16.06.2025 passed by the Respondent No.2/Scrutiny Committee thereby invalidating their "Koli Mahadev" Scheduled Tribe certificates.

2. Issue notice to the Respondents. The learned AGP waives notice on behalf of both the Respondents. Considering the urgency, the matter is taken up for final disposal at the motion. Heard both sides at length.

3. Having regard to the rival submissions canvassed on behalf of both the sides, we have gone through the petition paper book. Indeed, on 12.08.2011, the Respondent No.2-Scrutiny Committee issued “Koli Mahadev” Scheduled Tribe certificate in favour of Tarfewad Nagkanya Shivraj, who is cousin sister of the Petitioners. The Division Bench of this Court has delivered an order on 31.07.2024 in Writ Petition No.11994/2023 (Vaishnavi Ramesh Rao Tarfewad V/s. *The State of Maharashtra & Anr.*), in Writ Petition No.9247/2024 (Vaibhav Ashokrao Tarfewad V/s. *The State of Maharashtra & Anr.*) this Court passed an order on 04.09.2024 and in Writ Petition No.12621/2024 (Ganesh Shankarrao Tarfewad V/s. *The State of Maharashtra & Ors.*), this Court passed an order on 21.11.2024 and directed the Respondent No.2/Scrutiny Committee to issue conditional Scheduled Tribe validity certificates in favour of the Petitioners therein.

4. The Petitioners in above referred Petitions are paternal blood relatives of these Petitioners. The Respondent No.2/Scrutiny Committee has not denied the paternal blood relations between the Petitioners and the Petitioners in the above referred petitions. Therefore, considering the law laid down in *Mah. Adivasi Thakur Jamat Swarakshak Samiti Vs. State of Maharashtra and others; AIR 2023 SC 1657, Shweta Balaji Isankar Vs. The*

State of Maharashtra and others; 2018 SCC OnLine Bom. 10363 and Apporva Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1 and others; 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 a certificate of validity. However, the said validity shall be co-terminus with the decision in the matter which the committee may decide to re-open.

5. Since the present Petitioners are paternal blood relatives of other candidates in whose favour tribe validity certificates are directed to be issued, therefore, the Petitioners are entitled to have Scheduled tribe certificates on the ground of parity as per law laid down in the referred case law. Therefore, we are inclined to allow the present petition partly. Accordingly, we proceed to pass the following order:

ORDER

- i. The impugned order dated 16.06.2025 passed by the Respondent No.2/Scrutiny Committee is hereby quashed and set aside.
- ii. The Respondent No.2/Scrutiny Committee is hereby directed to issue “Koli Mahadev” Scheduled Tribe validity to the Petitioners within a

period of two weeks. However, the validity of these Petitioners shall be subject to final outcome of the matters which the committee may decide to re-open.

iii. The Writ Petition is disposed of.

[Y.G. KHOBRADE, J.]

[MANISH PITALE, J.]