



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

945 WRIT PETITION NO. 9776 OF 2025

NARESH DEVIDAS GAVALI

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Mr. Chandrakant C. Thorat – Advocate for Petitioner

Mr. R.K. Ingole – AGP for Respondents, State

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**CORAM : MANISH PITALE &
 Y. G. KHOBRADE, JJ.**

DATE : 20.08.2025

ORDER (PER : Y.G. KHOBRADE, J.) :-

1. By the present petition, the petitioner takes exception to the order dated 21.07.2025 passed by respondent No.2 – Scrutiny Committee, thereby invalidating his 'Koli Mahadev' Scheduled Tribe claim.
2. Issue notice to the respondents. The learned A.G.P. waives service of notice on behalf of both the respondents.
3. Considering the urgency, the matter is taken up for final disposal at the motion stage. Heard both sides at length.
4. Having regard to the rival submissions canvassed on behalf of both sides, we have perused the petition paper book. Needless to say that, the petitioner is the aspiring student of a professional medical course and he requires tribe validity certificate for the purpose of admission.

5. As per the genealogical tree, the great-grandfather of the petitioner, Vithoba, and cousin great-grandfather, Yashwanta, are the sons of Mhataraji Gavali. Maroti is the son of Vithoba, while Daulat is the son of Yashwanta. Bhagaji is the son of Daulat, and Manish is the son of Bhagaji. Narayan and Haribhau are the sons of Maroti. Bhagwan and Radhabai are the children of Narayan. Sarubai, Samadhan and Devidas are the children of Haribhau. Prabhakar, Shital and Vinod are the children of Bhagwan. Sadhana, Suwarn and Chetan are the children of Samadhan. Naresh (the present petitioner) and Prathmesh are the sons of Devidas.

6. On the face of record, it appears that on 11.07.2008, the respondent No.2 – Scrutiny Committee granted a Koli Mahadev Scheduled Tribe Validity Certificate in favour of Prabhakar Bhagwan Gavali, the paternal cousin uncle of the petitioner. The respondent No. 2 – Scrutiny Committee has not denied the paternal blood relations between the present petitioner and the other validity holder, Prabhakar Bhagwan Gavali. However, by the impugned order dated 21.07.2025, respondent No.2 – Scrutiny Committee held that the paternal blood relatives had obtained the Scheduled Tribe Certificates by suppressing material facts and on the basis of false information, and therefore, the validity holders were served with notices for revocation of their validities. However, it is not in dispute that the respondent No.2 – Scrutiny Committee has not invalidated or revoked the said validities issued in

favour of paternal blood relatives of the petitioners.

7. Considering the law laid down in the cases of **Maharashtra Adiwas Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and Ors.**, reported in AIR 2023 SC 1657, **Shweta Balaji Isankar Vs. State of Maharashtra and Ors.**, reported in 2018 SCC Online Bom. 10341, **Apoorva Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1 and Ors.**, reported in 2010(6) Mh.L.J. 401, wherein it has been held 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 be issued a validity certificate. However, the said validity shall be co-terminus with the decision in the matter which the Committee may decide to reopen.

8. Learned Counsel appearing for the petitioner submitted that the blood relative, namely, Prabhakar Bhagwan Gavali has been served with a notice for revocation of his validity. It is submitted that the said blood relative of the petitioner is voluntarily ready and willing to execute undertaking before the respondent No.2 – Scrutiny Committee, agreeing to cooperate in the decision regarding revocation of his validity. In these circumstances, it would be just and proper to direct Prabhakar Bhagwan Gavali to file separate undertaking before respondent No.2 – Scrutiny Committee, within a period of one week from today, stating that he will

cooperate with the said Committee in respect of the invalidation proceedings.

9. Since the petitioner appears to be an aspiring candidate for admission to a professional medical course and intends to secure admission under the Scheduled Tribe (ST) reserved category, he is directed to furnish an undertaking that, in the event his claim is invalidated by respondent No. 2 – Scrutiny Committee, he shall pay the tuition and admission fees applicable to a candidate from the open category and no equity shall lie in his favour.

10. In view of the above discussion, the present petition deserves to be partly allowed and the impugned order dated 21.07.2025 passed by the 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 21.07.2025 passed by the 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

the 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, as proposed by the Scrutiny Committee.
- (b) The petitioner shall furnish an undertaking before the Registrar (Judicial) of this Court, as well as before respondent No.2 – Scrutiny Committee and the Educational Institution with which he seeks admission for a professional medical course, stating that in the event his caste validity is revoked, he shall deposit the the tuition fees and other charges applicable to candidates from the open category.
- (c) The petitioner shall not claim any equity.
- (d) The petitioner shall cooperate with the Scrutiny Committee.

iv. Prabhakar Bhagwan Gavali, who is blood relative of the petitioner, shall furnish undertaking before respondent No.2 – Scrutiny Committee within a period of one week from today, stating that he will cooperate and appear before the Scrutiny Committee as and when called upon.

v. The writ petition is disposed of. Pending applications, if any, also stand disposed of.

(Y. G. KHOBRAGADE, J.)

(MANISH PITALE, J.)