



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9873 OF 2025

1. Chandrakant Santosh Gawali ... **Petitioners**
Age 19 years Occu: Student

2. Srushti d/o Bandu Gawali
Age 19 years, Occu: Student
Both R/o Adgaon (Khandagale),
Tq. Jintur Dist. Parbhani

VERSUS

1. The State of Maharashtra,
Through its Principal Secretary
Tribal Development Department,
Mantralaya, Mumbai 32

2. Scheduled Tribe certificate Verification ... **Respondents**
Committee, Chhatrapati Sambhajanagar,
Through its Member Secretary

Mr. S. C. Yeramwar, Advocate for the petitioners,
Mr. R. K.Ingole, AGP for the Respondents State

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

DATE : **08.08.2025**

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

1. By the present petition under Article 226 of the Constitution of India, the Petitioners, who are paternal relatives, take exception to the order dated 30.06.2025 passed by Respondent No.2 Scrutiny

Committee, thereby invalidating their "Thakur" Schedule Tribe Certificates.

2. Issue notice to the respondents. Learned AGP waives notice on behalf of both the respondents.

3. The petitioners are intending to secure admission to the professional courses from the seat reserved for the Scheduled Tribe Category. Schedule of admissions has started as NEET result is declared. Therefore, considering the extreme urgency shown, the petition is taken up for disposal at the stage of admission.

4. The petitioners claim that they belong to "Thakur" Scheduled Tribe. Their individual proposals were forwarded to Respondent No.2 Scrutiny Committee for validation of their tribe certificates. The petitioners have submitted various documents, including validity certificates of blood relatives, school entries etc. in support of their claims. However, by a common order dated 30.06.2025, the claims of the petitioners of belonging to "Thakur" Scheduled Tribe are rejected by the Committee.

5. Having regard to the submissions canvassed on behalf of both the sides, we have gone through the record.

6. On the face of the record, it appears that on 25.06.2004, Respondent No.2 Committee issued validity certificate of belonging to Thakur Scheduled Tribe in favour of Bandu Tukaram Gavali, father of Petitioner No.2 and uncle of Petitioner No.1. Further on 30.10.2004, Respondent No.2 Committee issued validity certificate of belonging to Thakur Scheduled Tribe in favour of Santosh Pralhadrao Gavali, father of Petitioner No.1 and uncle of Petitioner No.2.

7. The scrutiny committee has passed the impugned order and recorded findings that against caste columns of the blood relatives of the petitioners in school record, different castes i.e. Gavali, Maratha, Marathi are mentioned and fathers of the petitioners have obtained validity certificate without vigilance cell enquiry. Therefore, both of them are served with notice for revocation of their validity certificates. However, as on today, the validity certificates of Thakur Scheduled Tribe issued in favour of fathers of the petitioners are still in operation. Admittedly, these validity holders are blood relatives/fathers of these petitioners and the committee has not denied the same.

8. In cases of ***Mah. Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra & Ors.; AIR 2023 S.C. 1657, Shweta Balaji Isankar V/s. 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, 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. Therefore, considering party with the blood relatives of the petitioners, the petitioners are entitled to have conditional validity subject to outcome of the decision in the proceedings in respect of the blood relatives of the petitioners, which the committee has decided to reopen.

9. The Petitioners appear to be the aspiring students for the professional courses. Therefore, they are called upon to furnish undertaking that, in case, their caste validity certificates are invalidated by the Scrutiny Committee, in that event they shall pay the tuition fees and admission fees applicable to the candidates from open category and no equity shall lie in their favour.

10. In view of above discussion, the present Petition deserves to be allowed partly and the impugned order dated 30.06.2025 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 on 30.06.2025, the Respondent No.2, passed by Respondent No.2 Scrutiny Committee is hereby quashed and set aside.

(iii) Respondent No.2 Scrutiny Committee shall **immediately** issue “Thakur” Scheduled Tribe validity certificates in favour of the Petitioners, which shall be subject to following conditions:-

- (a) The caste validity certificates 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 furnish undertaking before the Registrar (Judicial) of this Court as well as before the Scrutiny Committee and the Educational Institutions with whom they will take admissions for professional courses, indicating that in case their caste validity is revoked, they would deposit the tuition fees and other charges applicable to the candidates from open category.
- (c) The Petitioners shall not claim any equity.
- (d) The Petitioners shall cooperate with the Scrutiny Committee.

(Y. G. KHOBRAGADE, J.)

(MANISH PITALE, J.)

JPChavan