



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

71 WRIT PETITION NO. 10486 OF 2025

VIVEK BAPU BESKE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER
...

AND
75 WRIT PETITION NO. 10490 OF 2025

LIMBRAJ NAMDEV BESKE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER
...

AND
76 WRIT PETITION NO. 10491 OF 2025

ROHIT SANDIPAN BESKE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
...

AND
78 WRIT PETITION NO. 10493 OF 2025

RESHMA KONDIRAM BESKE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
...

AND
87 WRIT PETITION NO. 10502 OF 2025

VILASH BHANUDAS BESKE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
...

Mr. Vivekanand U. Jadhav – Advocate for Petitioners
Mr. V.M. Kagne, Mr. S.P. Sonpawale and Mr. R.K. Ingole – AGP's for
Respondents, State

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CORAM : **MANISH PITALE &
Y. G. KHOBRAGADE, JJ.**
DATE : **25.08.2025**

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

1. In these petitions, the petitioners take exception to the common order dated 16.06.2025 passed by respondent No.2 – Scrutiny Committee, thereby invalidating their ‘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 in all the petitions.
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 gone through the record.
5. As per the genealogical tree in these petitions, Mahadev Beske, the forefather of the petitioners, had two sons namely, Bapurao and Yashwant. Taterao and Baburao are the sons of Bapurao, while Srihari, Limbaji, Kondiram and Balaji are the sons of Yashwant. Bhanudas is the son of Taterao. Shivaji is the son of Baburao. Rangnath, Nagnath are the sons of Srihari. Suraj is the son of Limbaji. Mangesh, Mohini, Reshma and

Yogesh are the children of Kondiram and Om is the son of Balaji. Sandipan, Sunil, Vilas and Vinayak are sons of Bhanudas. Dattatraya and Bapu are the sons of Shivaji. Devansh and Vedika are the children of Rangnath. Viraj is the son of Nagnath. Abhishek is the son of Dattatraya. Rohit, Rohini and Rahul are the children of Sandipan. Sumit is the son of Sunil. Vikas and Vishal are the sons of Vilas. Vikram, Aniket and Shrirang are the sons of Vinayak. Shradha, Renuka and Vivek are the children of Bapu.

6. On the face of record, it appears that on 17.08.2023, a Division Bench of this Court passed an order in Writ Petition No. 10081 of 2023 (**Shradha d/o. Bapu Beske and Anr. Vs. The State of Maharashtra and Anr.**) and directed respondent No.2 to issue a conditional Koli Mahadev Scheduled Tribe Validity Certificates in favour of the petitioners therein.

7. The respondent No. 2 – Scrutiny Committee has not denied the paternal blood relations between the present petitioners and the other validity holders. However, by the impugned order dated 16.06.2025, 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.

8. Considering the law laid down in the cases of **Maharashtra Adiwasi 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 petitioners are 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.

9. Since some of the petitioners appear to be aspiring candidates for admission to professional courses and they intend to secure admission under the Scheduled Tribe (ST) reserved category, they are directed to furnish undertakings that, in the event their claims are invalidated by respondent No. 2 – Scrutiny Committee, they shall pay the tuition and admission fees applicable to a candidate from the open category, and no equity shall lie in their favour.

10. In view of the above discussion, the present petitions deserves to be

partly allowed and the impugned common order dated 16.06.2025 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 petitions are partly allowed.
- ii. The impugned common order dated 16.06.2025 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 petitioners, which shall be subject to the 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, as proposed by the Scrutiny Committee.
 - (b) The petitioners shall furnish undertakings before the Registrar (Judicial) of this Court, as well as before respondent No.2 – Scrutiny Committee and the Educational Institution with which they seek admission for a professional medical course, stating that in the event their caste validity is revoked, they shall deposit the tuition fees and other charges applicable to

candidates from the open category.

(c) The petitioners shall not claim any equity.

(d) The petitioners shall cooperate with the Scrutiny Committee.

iv. The writ petitions are disposed of. Pending applications, if any, also stand disposed of.

(Y. G. KHOBRAGADE, J.)

(MANISH PITALE, J.)

Pooja Kale/