



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9860 OF 2025

SANSKRUTI SUDHAKAR VACHHE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

....

Mr. S. M. Vibhute, Advocate for the Petitioner
Mr. R. K. Ingole, AGP for the Respondents – State

....

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

DATE : 07.08.2025

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 30.07.2025, passed by Respondent No.2 Scrutiny Committee, invalidating “Koli Mahadev” Scheduled Tribe claim of the Petitioner.

3. As per the genealogical tree, Mahadappa, the forefather of the Petitioner was having a son Nagappa. Dhulappa, grandfather of the Petitioner is the son of Nagappa. Vinayak, Madhukar, Sudhakar and Madhav, are the sons of Dhulappa.

4. On 16.07.2011, the Scrutiny Committee has granted “Koli Mahadev” Scheduled Tribe certificate in favour of Sudhakar, the father of the Petitioner. On 01.02.2011, the Scrutiny Committee issued “Koli Mahadev” validity certificate in favour of Madhav, the uncle of the Petitioner.

5. Respondent No.2 Scrutiny Committee has not denied the blood relations between Sudhakar and Madhav, in whose favour the validity certificates are granted. According to the Scrutiny Committee, Sudhakar and Madhav were granted validity certificates on the basis of revenue record of their uncle Shri Madhav Dhulappa Wachhe. But, both the validity holders have obtained the validity on the basis of false and manipulated documents. Therefore, they are served with the notice for revocation/cancellation of validity certificates.

6. Needless to say that, as on today, the validity certificates granted in favour of father of the Petitioner Sudhakar and uncle Madhav, is still in existence. Therefore, considering the parity, the Petitioner is also entitled to have validity validity certificate. However, the said validity would be subject to outcome of final decision in the matters of Sudhakar and Madhav, which the Respondent No.2 Committee has decided to re-open. 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 Petitioner is entitled to have the certificate of validity.

7. The Petitioner appears to be an aspiring student for the professional course. Therefore, the Petitioner is hereby called upon to furnish an undertaking that in case, her caste validity certificate is

invalidated by the Scrutiny Committee, in that event she shall pay the tuition fees and admission fees applicable to the candidate from open category and no equity shall lie in her favour. In view of above discussion, the present Petition deserves to be allowed partly and the impugned order dated 30.07.2025 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 30.07.2025, passed by Respondent No.2 Scrutiny Committee is hereby quashed and set aside.
- (iii) Respondent No.2 Scrutiny Committee shall **immediately** issue “Koli Mahadev” 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 an undertaking before the Registrar (Judicial) of this Court as well as before the Scrutiny Committee and the Educational Institution with whom she 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. KHOBRAGADE, J.]

[MANISH PITALE, J.]

SMS