



**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 9857 OF 2025

**1. VAISHNAVI RAMBHAU WAGHMARE
THROUGH FATHER AND NATURAL GUARDIAN
RAMBHAU KISHAN WAGHMARE**

**2. OMKAR VITTHAL WAGHMARE
THROUGH FATHER AND NATURAL GUARDIAN
VITTHAL PANDURANG WAGHMARE**

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Mr. Sunil M. Vibhute, Advocate for the Petitioners
Mr. S. K. Tambe, AGP for the Respondents – State

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**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 Petitioners and the learned AGP for the Respondents. With consent of both the parties and considering the exigency about requirement to furnish Scheduled Tribe validity certificates of the Petitioners for admission purpose to the professional courses, the Petition being heard finally at the admission stage.

2. The challenge in the present Petition is to the order dated 05.08.2025, passed by Respondent No.2 Scrutiny Committee, invalidating “Koli Mahadev” Scheduled Tribe claim of the Petitioners.

3. As per the genealogical tree, Ananda Waghmare, the great great grand-daughter of both the Petitioners was having son, namely Satwaji Ananda Waghmare. Pandurang, Bhimrao, Kisan, Bappa and Rajaram, are the sons of Satwaji. Bandu and Vitthal are the sons of Pandurang. Balu and Dnyaneshwar are the sons of Bhimrao. Rambhau is the son of Kisan. Bhausahab and Baliram are the sons of Bappa. Gopal and Dagdu are the sons of Rajaram. Rambhau is having three children, namely, Vaishnavi (Petitioner No.1), Kalyani and Shivam. Omkar (Petitioner No.2) and Atharva are the sons of Vitthal.

4. On 29.01.2005, the Scrutiny Committee has granted “Koli Mahadev” Scheduled Tribe validity certificate in favour of Vitthal Pandurang Waghmare, the father of Petitioner No.2 and cousin uncle of Petitioner No.1.

5. Needless to say that the learned AGP invited our attention to the impugned order, wherein, Respondent No.2 recorded the

findings that during the period 1959 to 1988, there are interpolation in the school record of blood relatives of the Petitioners and the words “महादेव” / “म”, added prior to “Koli” caste. So also, the blood relatives of the Petitioners have obtained “Koli Mahadev” validity certificates on the basis of false and fabricated documents or tampering the record. Therefore, notice to the said validity holders have been issued for revocation of their validity certificates. Further, as on today, the validity granted by Respondent No.2 Scrutiny Committee in favour of the blood relatives of the Petitioners, have not been advocated. 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 Petitioners are entitled to have the certificates of validity.

6. Needless to say that this Court has passed various orders and granted conditional validity certificates in favour of the paternal blood relatives of the Petitioners. Therefore, the Petitioners are also entitled to have conditional validity certificates subject to the final outcome of the matters which the Committee has decided to reopen.

7. 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 certificate is 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. In view of above discussion, the present Petition deserves to be allowed partly and the impugned order dated 05.08.2025, 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 05.08.2025, 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 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 Institution with whom they will take admission for professional course, 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. KHOBRADE, J.]

[MANISH PITALE, J.]

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