



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

993 WRIT PETITION NO. 10197 OF 2025

1. JAY SUNIL MORE
2. VAISHNAVI SUNIL MORE
VERSUS

THE STATE OF MAHARASHTRA THROUGH SECRETARY AND ANOTHER

.....
Advocate for the Petitioner : Mr. Boinwad Omgashad B.
AGP for Respondents/State : Mr. S.K. Tambe
.....

CORAM : MANISH PITALE &
Y.G. KHOBRAGADE, JJ.
DATE : 14th August, 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 sides, the matter is heard finally at the stage of admission.

2. The challenge in the present Petition is to the order dated 28.07.2025, passed by Respondent No.2/ Scrutiny Committee, invalidating "Koli Malhar" Scheduled Tribe claim of the Petitioners.

3. As per the genealogical tree, Shripat Harku More is the great grandfather of the Petitioners who was having three sons Shenphad More, Eknath More and Pundlik More. Samadhan and Kailas are sons of

Shenphad. Sunil, Anil and Satish are sons of Eknath. Ramdas and Vishnu are sons of Pundlik. The present Petitioner No.1-Jay and Petitioner No.2-Vaishnavi are children of Sunil.

4. On face of record, it appears that on 11.01.2011, the Respondent No.2/Scrutiny Committee granted “Koli Malhar” Scheduled Tribe validity certificate in favour of Sunil More the father of the present Petitioners. The Respondent No.2/Scrutiny Committee passed the impugned order and recorded finding that father of the Petitioners had obtained Koli Malhar Scheduled Tribe validity certificate by playing fraud. Therefore, the Petitioners are not entitled for the validity certificates. However, as on today the validity certificate issued in favour of the father of Petitioners has not been revoked. The Respondent No.2/Scrutiny Committee has not denied the paternal blood relations between the present Petitioners and the validity holder.

5. 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. The Petitioners appear to be aspiring students pursuing 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 candidate 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 28.07.2025 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 28.07.2025, passed by Respondent No.2/ Scrutiny Committee is hereby quashed and set aside.

(iii) Respondent No.2 Scrutiny Committee shall **immediately** issue “Koli Malhar” Scheduled Tribe validity certificate 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 admission 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. KHOBRADE, J.]

[MANISH PITALE, J.]