



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

WRIT PETITION NO. 10124 OF 2025

1. Varsha D/o Prabhu Sapkal
Age: 26 years, Occu: Education,
R/o. Sapkalwadi Sillod, Tq. Sillod,
Dist. Chh. Sambhajanagar
2. Aishwarya D/o Vijay Sapkal
Age: 18 years, Occu: Education,
R/o. Sapkalwadi Sillod, Tq. Sillod,
Dist. Chh. Sambhajanagar.
3. Prajwal S/o Anil Sapkal
Age: 23 years, Occu: Education,
R/o. Sapkalwadi Sillod, Tq. Sillod,
Dist. Chh. Sambhajanagar
4. Sneha D/o Rajendra Sapkal
Age: 20 years, Occu: Education,
R/o. Sapkalwadi Sillod, Tq. Sillod,
Dist. Chh. Sambhajanagar.

....PETITIONERS

VERSUS

1. The State of Maharashtra
Through its Principal Secretary,
Ministry of Tribal Development,
Mantralaya, Mumbai-32
2. The Scheduled Tribe Certificate
Scrutiny Committee, Chh. Sambhajanagar,
Division Chh. Commissioner
(Through its Joint Commissioner)
Dist. Chh. Sambhajanagar

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

DATE : 13.08.2025

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

1. By the present petition, the petitioners impugn the order dated 04.08.2025 passed by Respondent No.2- Scrutiny Committee, thereby invalidating their 'Koli Malhar-30' Scheduled Tribe Certificates.
2. Issue notice to the Respondents. The learned AGP waives notice on behalf of Respondents-State.
3. Considering the urgency, the matter is taken up for final disposal at the motion. Heard both sides at length.
4. Having regard to the strenuous submissions canvassed on behalf of both sides, we have gone through the petition paper book.
5. Needless to say, the petitioner Nos.2 and 4 are the aspiring students of Engineering professional courses. Their MHT-CET-2025 (Maharashtra Common Entrance Test) result has been declared and they require tribe validity certificates for the purpose of admission. Petitioner Nos.1 and 3 are graduates and they intend to claim ST category benefits.
6. As per the genealogical tree, the forefather of the petitioners Narayan Mahipat Sapkal had three sons: Rakhmaji, Mainaji and Yesuba. Bhika, Sheku, Mhatarji, Tukaram, Govinda, Shankar and Ananda are the sons of Rakhmaji. Vitthal, Pandurang, Kailas, Tairam, Kasabai are the

children of Mhatarji. Ashok and Sarla are the children of Tukaram. Kautik, Vinayak, Sahebrao, Himmat and Vasant are the sons of Govinda. Rajendra, Ravindra and Sharda are the children of Shankar. Sangita, Anita, Madhukar and Ramesh are the children of Ananda. The present petitioner No.4 Sneha and Aditya are the children of Rajendra. Sandip, Sagar, Ranjit and Pooja are the children of Vitthal. Rohidas, Umesh and Surekha are the children of Pandurang. In the second branch of tree, Mainaji had five sons: Namdev, Shahuba, Ramchandra, Devrao, and Bhaurao. Anil, Sunil and Sharda are the children of Bhavrao. The present petitioner No.3-Prajwal and Vansh are the sons of Anil. In the third branch of tree, Yesuba had six sons: Ramrao, Narayan, Ambadas, Daulat, Dattatray and Tejraro. Prabhakar, Vijay, Mirabai, Ranjana and Shashikalabai are the children of Ramrao. Sachinkumar, Sagar, Sapna and Varsha (Present petitioner No.1) are the children of Prabhakar. Yogesh, Aishwarya (present petitioner No.2), Grishma are the children of Vijay.

7. On the face of record, it appears that Scrutiny Committee granted validity certificates in favour of several paternal blood relatives of the petitioners on different dates, as follows:

Sr. No.	Name	Date of validity certificates
1.	Prabhu Ramrao Sapkal	14.10.2004
2.	Vijay Ramrao Sapkal	07.10.2024

3.	Prakash Daultarao Sapkal	22.12.2023
4.	Sachinkumar Prabhu Sapkal	04.03.2010
5.	Sagar Prabhu Sapkal	11.09.2024
6.	Anil Bhaurao Sapkal	22.02.2008
7.	Vitthal Mhatarji Sapkal	19.04.2003
8.	Rajendra Shankarrao Sapkal	06.06.2006
9.	Sharda Shankar Sapkal	25.07.2007

So also, the Scrutiny Committee has validated the tribe claims of the petitioners' blood relatives pursuant to the orders of this Court, the details of which are provided in the chart below:

Sr. No.	Name	Writ Petition	Date of order
1.	Prakash Daulatrao Sapkal	1665/1996	22.04.1996
2.	Akshay Kautik Sapkal	8676/2023	03.08.2023
3.	Pooja & Tushar Baburao Sapkal	10547/203	14.09.2023
4.	Kalyani & Jairam Harishchandra Sapkal	11300/2023	03.09.2023
5.	Harishchandra Namdeo Sapkal	13228/2023	25.10.2023
6.	Nilesh Dilip Sapkal	2515/2021	12.02.2021
7.	Umesh Pandurang Sapkal	8671/2023	03.08.2023
8.	Yogesh Vijay Sapkal	4527/2024	12.07.2024
9.	Sagar Prabhu Sapkal	7647/2024	05.09.2024
10.	Sunil Baburao Sapkal	2497/2021	28.11.2024

8. Respondent No.2 Scrutiny Committee has not disputed the paternal blood relations between the petitioners and the other validity

holders in the family. 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. Therefore, the present Petitioners are entitled to have conditional certificates of validity subject to the final outcome of the matters which the Committee has decided to reopen.

9. The Petitioner Nos.2 and 4 appear to be aspiring students for the professional course and intend to secure admission under the Scheduled Tribe (ST) reserved category. 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 04.08.2025 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 04.08.2025, passed by Respondent No.2 Scrutiny Committee is hereby quashed and set aside.
- (iii) Respondent No.2 Scrutiny Committee shall immediately issue “Koli Malhar-30” 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 Petitioner Nos.2 and 4 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 tribe 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.]