



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

1000 WRIT PETITION NO. 10664 OF 2019

1. Radhika d/o Manoj Suradkar
Age – 19 years, Occ. Student,
R/o. Plot No.6, Raj Apartment,
Town Centre 29/G, CIDCO,
Aurangabad, Tq. & Dist. Aurangabad
2. Nairuti S/o Manoj Suradkar
Age – 23 years, Occu. Student,
R/o. As above

... PETITIONERS

VERSUS

1. The State of Maharashtra
Department of Tribal Development,
Mantralaya, Mumbai – 32
Through its Secretary
2. The Scheduled Tribe Certificate Scrutiny
Committee, Aurangabad Division, Aurangabad
Through its Member Secretary
3. National Institute of Technology, Karnataka,
Surathkal, P.O. Srinivasnagar,
Mangalore – 575025
Through its Principal

... RESPONDENTS

....

Mr. Sushant C. Yeramwar, Advocate for the Petitioners

Mr. A. B. Girase, Government Pleader a/w Mr. V. M. Kagne, AGP
for Respondent Nos. 1 and 2 – State

....

**CORAM : RAVINDRA V. GHUGE AND
Y. G. KHOBRAGADE, JJ.**

DATE : 20.06.2025

ORAL JUDGMENT (Per :- RAVINDRA V. GHUGE, J.)

1. Rule. Rule made returnable forthwith and heard finally by the consent of the parties.

2. The Petitioners have put forth the following prayers:-

*“(B) To quash and set aside the impugned decision and order of the Committee dated 14.8.2019 invalidating Tribe Claims of the Petitioners (**Exhibit-K**) and declare that Petitioners belong to ‘Thakur – Scheduled Tribe’ by issuing appropriate writ, orders, or directions as the case may be;*

“(C) To direct the Respondent No.3 not to cancel admission of the Petitioner No.1 to Computer Science & Engineering (4 Years, Bachelor of Technology) Course on the basis of impugned decision of the Committee and allow her to complete the studies in said Course subject to final outcome of the present Writ Petition by issuing appropriate writ, orders, or directions as the case may be.”

3. On 28.08.2019, this Court [Coram: S. V. Gangapurwala (as His Lordship then was) and Anil S. Kilor, JJ.], passed the following order:-

“1. The tribe claim of the petitioner is invalidated. It is submitted that petitioner no.1 has been given admission from centralised quota in June 2019.

2. Notice to respondents, returnable on 9.10.2019. Learned A.G.P waives notice for respondents no.1 and 2. Humdast allowed.

3. *In case for admission to B.Tech. (Computer Science) given to the petitioner from Centralised quota, the validity certificate is not mandatory, then the admission of the petitioner shall not be cancelled till next date.”*

4. On 18.06.2025, we passed the following order:-

“1. Time and again this Court has expressed in many judgments that the committee members pass orders as per their fancies. The present case is of a girl student who had approached this Court in 2019, at the age of 19 years with her biological brother who then was 23 years as a student, since they have been refused validity certificates of belonging to the Thakur Scheduled Tribe community though their biological father, biological paternal uncle, biological paternal aunt and biological paternal cousin brother and sister, have been granted validity certificates by the committee. These validity certificates are untouched till today. No show cause notice has been issued to any of them for reopening of their cases.

2. The committee claims that it has noticed a 1941 entry in the present Petitioner’s case and, therefore, by judgment dated 14.08.2019, the claims of these two Petitioners has been rejected. In the last six years, no notice is issued to the validity holders though the committee claims that they have noticed an adverse record.

3. We could have imposed heavy costs on the members of the committee for having behaved in such fashion. However, the learned AGP submits that they may be given an opportunity.

4. Let the three committee members whose names appear on the last page of the impugned judgment, remain present in the Court on 20.06.2025 at 2.30 p.m.”

5. We are informed that both the Petitioners have completed their education. Petitioner No.1 has acquired employment in a private industry. Petitioner No.2 has not taken up any job.

6. The Government has tendered an affidavit in reply dated 20.06.2025.

7. The learned AGP has strenuously highlighted the impugned order of the Committee and submits that notwithstanding that the Petitioners (who are siblings), their biological father, their biological paternal uncle, biological paternal aunt and biological paternal cousin brother and sister, have been granted validity certificates, an old document dating back to 1941 was found while investigating the petitioners' cases. The said entry indicates 'Hindu Maratha' and one entry is with regard to 'Thakur Bhat', which falls in the open category. Rest of the entries are pertaining to Thakur. Since the Committee noticed these two documents, the claims of the Petitioners was rejected on 14.08.2019. Notices were issued to all the validity holders in 2021, for re-opening their cases.

8. The learned Advocate for the Petitioners submits that the Petitioners' father stays in N-6, CIDCO, Chhatrapati Sambhajinagar,

for the last 40 years. No notice has been sent on the said address. A notice was sent on his native place address, which is village Babra, Taluka Phulambri, District Chhatrapati Sambhajnagar. The learned AGP submits that these validity holders are not appearing before the Committee and hence, the Committee has not progressed with the re-opened cases.

9. We find that the above fact situation is practically identical to the facts appearing in ***Shweta Balaji Isankar Vs. State of Maharashtra and others, MANU/MH/4098/2018***. Paragraph Nos. 2, 3, 4 and 8 in Shweta (supra), read as under:-

“2. On the earlier occasion, we found that though the petitioner produced credible evidence in the form of certificates of validity issued to her real uncle Govind Sambhaji Isankar and which concededly has been issued way back on 5th December 2005 and another certificate of validity dated 5th September 2006 to his cousin uncle Ramdas Sambhaji Isankar, the Committee finds that the certificate of validity issued to the real uncle Govind, is not free from suspicion. It is held by the Committee in the impugned order that a notice to show cause has been issued to said Govind on 14th September 2017, calling upon him to show cause as to why this certificate of validity should not be cancelled as its issuance is vitiated by fraud or suppression of material facts by the said Govind.

3. On such a finding being rendered by the Committee, we called upon the learned AGP on the earlier two occasions to produce the record. We also indicated to the learned AGP as to how the certificate of validity is denied to the petitioner though she has established her relationship with the said Govind and only on the ground that a show cause notice has been issued, but no proceedings in furtherance thereof came to be initiated

till date. The learned AGP sought time to file an affidavit. Now, the Joint Commissioner, Schedule Tribe Scrutiny Committee, Aurangabad has filed an affidavit in reply. That is taken on record. The said affidavit admits that the certificate of validity has been issued to her real uncle and cousin uncle of the petitioner. The affidavit admits that the petitioner relies heavily on these two documents, but clarifies that there is a suppression detected from the original record of the certificate holder and that is how a show cause notice has been issued to Govind. The show cause notice could not be taken to its logical end on account of the huge pendency of cases before this Committee. In all, 7,000 matters were pending on the date when this Joint Commissioner took charge and he has reduced the pendency by 2500 cases being decided. In the circumstances, he says that appropriate orders and directions be issued by this Court.

4 We are not impressed by this explanation and the justification not to proceed against a person who has perpetrated a fraud on the public. If it is a serious allegation and which is termed as fraud, then, it should have been taken to its logical end. Mere issuance of a show cause notice in the present case would not suffice for there are two certificates of validity relied upon. The only reason assigned in the impugned order to discard them, cannot be sustained. The justification in the above affidavit is also not enough to straightaway discard the certificates of validity issued in the family. It is conceded that other reasons assigned in the impugned order cannot be supported in law.

8. This order does not prevent the Committee from proceeding against Govind in accordance with law and needless to further clarify that in the event Govind's claim is invalidated, all the consequences shall be taken by the petitioner as well."

10. As such, the situation as it exists today, is that the validity holders are enjoying their status and these two Petitioners are refused the Thakur Scheduled Tribe validity certificates on the ground that

two documents indicate adverse entries. The law laid down by this Court in *Apoorva d/o Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1 and others, 2010 (6) Mh.L.J. 401*, would apply to their cases.

11. In view of the above, this **Writ Petition is partly allowed**. The impugned order dated 14.08.2019, stands quashed and set aside. Let the validity certificates be issued to the Petitioners within thirty days from today, on the condition that the Committee shall proceed with the reopened cases by issuing appropriate notices. All contentions of the stakeholders are kept open. If any of the validity holders suffers invalidation, the same consequences would be suffered by these two Petitioners and their cases are permitted to be reviewed.

12. **Rule is made partly absolute in the above terms.**

13. The learned Government Pleader submits that time has come for giving some guidelines to the Committee members to decide the reopened cases within a time-frame. On the one hand, such reopened cases keep on lingering for several reasons and on the other hand, their children or blood relatives who approach the Committee

for validity certificates, are deprived of such certificates on the ground that the cases of their relatives are being opened.

14. We have noticed that the Committee, on the one hand, reopens the cases and then keeps such cases in cold storage, and on the other hand, the next generation which claims validity certificates, is deprived of the same on the ground of either pendency of the reopened cases or on the allegation that earlier validities were erroneously granted. We are also conscious of the fact that these Committees are over-burdened with enormous proposals and hundreds are subjected to time-frame orders of the High Court.

15. We, therefore, find it appropriate to suggest that the Committee in such matters should set a time frame of one year and ensure that the reopened cases are concluded within such period. We would appreciate if the State Government acts on this suggestion and issues certain directions and suitably amends the rules.

[Y. G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]