



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

WRIT PETITION NO. 10550 OF 2025

1. Gayatri d/o Nandlal Gavale ... **Petitioners**
Age 21 years, Occu: Education,
R/o Halda, Tq. Sillod
District Chhatrapati Sambhajnagar
2. Divya d/o Nandlal Gavale,
Age 17 yeas, Occu: Education,
Since minor, through her guardian mother-
Ushabai w/o Nandlal Gavale,
Age 40 years, Occu: Household
R/o As above.

VERSUS

1. The State of Maharashtra,
Through its Secretary
Tribal Development Department,
Mantralaya, Mumbai 32
2. Scheduled Tribe Certificate Scrutiny ... **Respondents**
Committee, Chhatrapati Sambhajnagar
(Aurangabad),
Through its Member Secretary

Mr. Pratap V. Jadhavar, Advocate for the petitioners,
Mr. R. D. Raut, Advocate for Respondents State

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

DATE : 3rd September, 2025

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

1. By the present petition under Article 226 of the Constitution of India, the Petitioners, who are siblings, take exception to the order

dated 08.08.2025 passed by Respondent No.2 Scrutiny Committee, thereby invalidating their "Koli Malhar" Schedule Tribe Certificates.

2. Issue notice to the respondents. Learned AGP waives notice on behalf of the respondents.

3. The petitioners are the students and they are intending to secure admission to the professional courses from the seat reserved for the Scheduled Tribe Category. Therefore, considering the urgency shown, the petition is taken up for disposal at the stage of admission.

4. The petitioners claim that they belong to "Koli Malhar" Scheduled Tribe. Their individual proposals were forwarded to Respondent No.2 Scrutiny Committee for validation of their tribe certificates. The petitioners have submitted various documents, including validity certificates of blood relatives, school entries etc. in support of their claims. However, by a common order dated 08.08.2025, the claims of the petitioners of belonging to "Koli Malhar" Scheduled Tribe are rejected by the Committee.

5. Having regard to the submissions canvassed on behalf of both the sides, we have gone through the record.

6. As per the genealogical tree, Sandu Dhondu Gavale, forefather of the petitioners, had four sons namely Sampat, Harsing, Ananda and Ukhardu. Govinda is the son of Sampat Sandu Gavale.

Ratilal is son of Govinda Sampat Gavale. Prakash (Validity holder) is the son of Ratilal Govinda Gavale. Baburao, Samsher, Vaman and Vitthal are the sons of Harsing Sandu Gavale. Nandlal, father of the petitioners, is the son of Samsher Harsing Gavale. Subham and Mansavi(Validity holders) are the children of Vaman. Harichand (Validity holder) is the son of Ananda Sandu Gavale. Pradip (Validity holder) is the son of Harichand Ananda Gavale.

7. On face of record, it appears that on 23.10.2007, the Respondent- Scrutiny Committee had granted validity certificate of belonging to "Koli Malhar" Scheduled tribe in favour of Harichand Gavali, cousin grandfather of the petitioners. Further, on 04.06.2010, the Respondent Scrutiny Committee had granted validity certificate of belonging to "Koli Malhar" Scheduled tribe in favour of Prakash Ratilal Gavle, cousin brother of the petitioners. On 03.03.2025, this court passed order in Writ Petition Nos. 14234 of 2021 and 14251 of 2021 and granted conditional validity of belonging to Koli Malhar Scheduled Tribe in favour of Manasvi Vaman Gavle and Subham Vaman Gavle, cousin aunt and uncle of the petitioners. On 27.11.2024, this Court passed order in Writ Petition No. 13844 of 2021 and granted conditional validity in favour of Pradip Harichandra Gavali, cousin uncle of the petitioners. It further

appears that the committee had also issued validity certificates in favour of Prabhu Bhika Gavale, Chandrakant Avachit Gavale, paternal blood relatives of the petitioners,

8. Respondent No.2 passed the impugned order and invalidated the scheduled tribe claim of the petitioners on the grounds that the petitioner failed to prove the affinity and that the paternal blood relatives of the petitioners obtained validity certificates on the basis of false documents and concealment of original record and therefore, notice for revocation of validity certificates was issued to Hari Ananda Gavali, Prakash Ratilal Gavale, Prabhu Bhika Gavale and Chandrakant Avachit Gavale, paternal blood relatives of the petitioners. However, as on today, the validity certificates of Koli Malhar Scheduled Tribe issued in favour of blood relatives of the petitioners are still in operation. Admittedly, the validity holders are the blood relatives of the petitioner and the committee has not denied the same.

9. In cases of *Mah. Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra & Ors.*; AIR 2023 S.C. 1657, *Shweta Balaji Isankar V/s. 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], 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, considering parity with the blood relatives of the petitioners, the petitioners are entitled to have conditional validity subject to outcome of the decision in the proceedings in respect of the blood relatives of the petitioners, which the committee has decided to reopen.

10. Learned counsel for the petitioners voluntarily submitted that blood relatives of the petitioners to whom the notice for revocation of validity has been served shall forthwith execute an undertaking before the Respondent No.2 Committee that they would regularly appear in the matter and shall cooperate with the Committee for early decision in the said matter.

11. The Petitioners appear to be the aspiring students for the professional courses. Therefore, they are called upon to furnish undertaking that, in case, their tribe certificates are 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.

12. In view of above discussion, the present Petition deserves to be allowed partly and the impugned order dated 08.08.2025 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) Impugned order dated on 08.08.2025, passed by Respondent No.2 Scrutiny Committee is hereby quashed and set aside.
- iii) Respondent No.2 Scrutiny Committee shall **immediately** issue “Koli Malhar” 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 Institutions with whom they will take admissions 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.

iv) S/Shri Hari Ananda Gavali, Prakash Ratilal Gavale, Prabhu Bhika Gavale and Chandrakant Avachit Gavale, Santosh Madhavrao Boine, paternal blood relatives of the Petitioners, who are served with notice of revocation of validity, shall furnish undertaking before the Scrutiny Committee, stating that they will cooperate and appear before the Scrutiny Committee as and when called upon.

(Y. G. KHOBRAGADE, J.)

(MANISH PITALE, J.)

JPChavan