



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

WRIT PETITION NO. 10429 OF 2025

1. VIVEK GOVINDRAO DHADE
2. VISHWAJEET GOVINDRAO DHADE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

....

Mr. A. S. Bayas, Advocate for the Petitioners

Mr. S. D. Ghayal, Addl. G.P., for the Respondents – State

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

DATE : 21.08.2025

ORDER (PER: Y. G. KHOBRAGADE, J.) :-

1. 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 certificate of the Petitioners.

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

3. The Petitioners are intending to secure admission to the professional courses from the seat reserved for Scheduled

Tribe Category. Therefore, considering the extreme urgency shown, the Petition is taken up for disposal at the stage of admission.

4. As per the genealogical tree, Bali Dhade, the great great grandfather of the Petitioners, had one son, namely, Mukinda. Shankarrao, Vishwambhar and Digambar, are the sons of Mukinda. Mohan, Govind, Rajendra, Kondiram and Somnath are the children of Shankarrao. Vidhya, Vivek (Petitioner No.1) and Vishwajeet (Petitioner No.2), are the children of Govind.

5. On 11.10.2011, the Scrutiny Committee, granted “Koli Mahadev” Scheduled Tribe validity certificate in favour of Govind, the father of the present Petitioners. On 03.08.2018, this Court passed the order in Writ Petition No.8979 of 2018 (Vidhya Govind Dhade Vs. The State of Maharashtra and others), and directed the Scrutiny Committee to issue conditional “Koli Mahadev” Scheduled Tribe validity certificate in favour of the Petitioner therein. It is admitted fact that the Scrutiny Committee has not denied the paternal blood relations between the Petitioners and Vidhya Govind Dhade.

6. On 05.08.2025, the Scrutiny Committee has passed the impugned order, holding that the paternal blood relatives of the

Petitioners have obtained validity certificate by playing fraud and producing false and fabricated documents. Therefore, Govind and Vidhya, are served with the notice for revocation of their validity certificates. However, they are not cooperating.

7. Needless to say that the Petitioners are the real brothers and Vidhya is their real sister, who is holding validity certificate. 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 certificate of validity on the ground of parity, however, the such validity shall be subject to the outcome of the decision in the proceeding in respect of blood relatives of the Petitioners, which the Respondent No.2 Scrutiny Committed decided to re-open.

8. Since the petitioners appear to be aspiring candidates for admission to professional courses and they intend to secure admission under the Scheduled Tribe reserved category, they are directed to furnish undertaking that, in the event their claims are invalidated by Respondent No.2 Scrutiny Committee, they shall pay the tuition and admission fees applicable to a candidate from open category and no equity shall lie in their favour.

9. In view of the above discussion, the present Petition deserves to be partly allowed and the impugned order dated 05.08.2025, passed by Respondent No.2, 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 certificate shall be subject to the outcome of the re-verification of the validity certificate 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 Respondent No.2 Scrutiny Committee and the Educational Institution with which they seek admission for professional courses, stating that in the event of their caste validity is revoked, they shall 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) Govind and Vidhya, who are blood relatives of the Petitioners, shall furnish undertaking before the Scrutiny Committee, stating that they will cooperate and appear before the Scrutiny Committee as and when called upon.
- (v) The Writ Petition is disposed of. Pending applications, if any, also stand disposed of.

[Y. G. KHOBRAGADE, J.]

[MANISH PITALE, J.]