



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10417 OF 2025

VISHAL WALMIK JADHAV

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Mr. Sagar B. Phatale, Advocate h/f Mr. Yogesh R. Suradkar,
Advocate for the Petitioner

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 29.07.2025, passed by Respondent No.2 Scrutiny Committee, invalidating “Koli Malhar” Scheduled Tribe certificate of the Petitioner.

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

3. The Petitioner is intending to secure admission to the professional course 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, Babaji Sayaji Jadhav, the great great grandfather of the Petitioner had one son, namely, Bala Babaji Jadhav. Kisan, Ananda, Maluba, Rambhau and Shamrao, are the children of Bala. Hari and Sheshrao are the sons of Kisan. Sandu is the son of Ananda. Ragho is the son of Maluba. Santosh is the son of Sheshrao. Narayan and Walmik are the sons of Rambhau. Vishal (Petitioner) and Sanjivani are the children of Walmik. Sanju, Raju and Viju are the sons of Hari.

5. On 26.04.2006, the Respondent No.2 Scrutiny Committee had passed an order and issued “Koli Malhar” Scheduled Tribe certificate in favour of Walmik Rambhau Jadhav, the father of the present Petitioner. On 29.07.2025, the Scrutiny Committee has passed the impugned order, invalidating caste claim of the Petitioner on the ground that the father of the petitioner has obtained validity certificate by playing fraud and by filing false and fabricated documents. Therefore, the father of the Petitioner is served with the notice for revocation of his Scheduled Tribe certificate. However, the

fact remains that the Respondent No.2 Scrutiny Committee has not passed any order and validity certificate issued in favour of the Petitioners' father, is still intact.

6. 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 Petitioner is 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 Petitioner, which the Respondent No.2 Scrutiny Committee decided to re-open.

7. Since the petitioner appears to be aspiring candidate for admission to professional course and he intends to secure admission

under the Scheduled Tribe reserved category, he is directed to furnish undertaking that, in the event his claim is invalidated by Respondent No.2 Scrutiny Committee, he shall pay the tuition and admission fees applicable to a candidate from open category and no equity shall lie in his favour.

8. In view of the above discussion, the present Petition deserves to be partly allowed and the impugned order dated 29.07.2025, 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 29.07.2025, 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 certificates in favour of the Petitioner, 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 his blood relatives proposed by the Scrutiny Committee.
 - (b) The Petitioner 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 he seek admission for professional course, stating that in the event of his caste validity is revoked, he shall deposit the tuition fees and other charges applicable to the candidates from open category.

(c) The Petitioner shall not claim any equity.

(d) The Petitioner shall cooperate with the Scrutiny Committee.

(iv) Mr. Walmik, who is blood relative i.e. father of the Petitioner, shall furnish undertaking before the Scrutiny Committee, stating that he 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. KHOBRADE, J.]

[MANISH PITALE, J.]

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