



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

WRIT PETITION NO. 10470 OF 2025

1. Yash s/o Sunil Darekar ... **Petitioners**
Age 19 years, Occu: Education
R/o Indrayani Colony, Dhulewadi,
Sangamner, Dist. Ahilyanagar
2. Ashlesha d/o Sandeep Darekar,
Age 21 years, Occu: Education
R/o Ghulewadi, Karkhana Phata,
Welhale Road, Sangamner
District Ahilyanagar

VERSUS

1. The State of Maharashtra,
Through its Secretary
Tribal Development Department,
Mantralaya, Mumbai 32
2. Scheduled Tribe Certificate Scrutiny ... **Respondents**
Committee, Nashik Division,
Nashik, Through its Member Secretary

Mr. Deepak D. Choudhari, Advocate for the petitioners,
Mr. A. R. Kale, AGP for the Respondents State

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

DATE : 22.08.2025

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

1. By the present petition under Article 226 of the Constitution of India, the Petitioners, who are cousin brother and sister, take exception to the order dated 08.08.2024 passed by Respondent No.2

Scrutiny Committee, thereby invalidating their "Koli Mahadev" 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 Mahadev" 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 08.08.2024, the claims of the petitioners of belonging to "Koli Mahadev" 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, Kushaba Darekar, forefather of the petitioners had two sons namely Nana and Ganpat. Nana has

three sons namely Uttamrao, Radhakisan (Validity holder) and Ramnath. Sandip, Jyoti, Swati, Pradip (Validity holder) and Jayshree (Validity holder) are the children of Uttamrao Nana Darekar. Sunil, Anil (Validity holder) and Yogesh (Validity holder) are the sons of Radhakisan Nana Darekar. Petitioner No.2 - Ashlesha is the daughter of Sandip Uttamrao Darekar (validity holder). Petitioner No. 1-Yash is the son of Sunil Radhakisan Darekar.

7. On face of record, it appears that on 18.12.2004, the Respondent Scrutiny Committee had granted validity certificate of belonging to "Koli Mahadev" Scheduled tribe in favour of Sandip Uttamrao Darekar, father of petitioner no.2 and real uncle of petitioner No.1. On 15.07.2019, the Respondent Scrutiny Committee had granted validity certificate of belonging to "Koli Mahadev" Scheduled tribe in favour of Pranjal Sandip Darekar, real sister of petitioner no.2 and cousin sister of Petitioner No.1. On 14.11.2003, the Respondent Scrutiny Committee had granted validity certificate of belonging to "Koli Mahadev" Scheduled tribe in favour of Radhakisan Nana Darekar, real grandfather Petitioner No.1 and cousin grandfather of Petitioner No.2. On 08.01.2007, the Respondent Scrutiny Committee had granted validity certificate of

belonging to "Koli Mahadev" Scheduled tribe in favour of Anil Radhakisan Darekar, real uncle of petitioner no.1 and cousin uncle of Petitioner No.2. On 25.01.2012, the Respondent Scrutiny Committee had granted validity certificate of belonging to "Koli Mahadev" Scheduled tribe in favour of Yogesh Radhakisan Darekar, real uncle of petitioner no.1 and cousin uncle of Petitioner No.2.

8. Respondent No.2 passed the impugned order and invalidated the scheduled tribe claim of the petitioners on the ground that paternal blood relatives of the petitioner obtained validity certificates on the basis of false document and concealment of original record and therefore, notice for revocation of their validity certificates was issued. However, as on today, the validity certificates of Koli Mahadev Scheduled Tribe issued in favour of blood relatives of the petitioners, including their father, real uncle 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 caste validity 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 08.08.2024 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 on 08.08.2024, 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 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) Mr. Sandip Uttamrao Darekar, Pradip Uttamrao Darekar, Anil Radhakisan Darekar, Yogesh Radhakisan Darekar and other blood relatives of the Petitioners, who are served with notice of revocation of their 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