



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

WRIT PETITION NO. 10478 OF 2025

1. Prachi d/o Bhagwan Sonvane ... **Petitioners**
Age 18 years, Occu: Education

2. Pawan s/o Bhagwan Sonvane
Age 22 years, Occu: Education
Both R/o House No.8, Near Prasannata
Park, Devlai Road,
Chhatrapati Sambhajinagar

VERSUS

1. The State of Maharashtra,
Through its Secretary
Tribal Development Department,
Mantralaya, Mumbai 32

2. Scheduled Tribe certificate Verification ... **Respondents**
Committee, Chhatrapati Sambhajinagar,
Through its Member Secretary

Mr. Deepak D. Choudhari h/for Mr. R. B. More, 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 real brother and sister, take exception to the order dated 20.08.2025 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 20.08.2025, 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, Dagdu Sonvane, forefather of the petitioners had three sons namely Nathaji, Tanaji and Ganu.

Rayaji is the son of Mathaji. Bhivaji is Rayaji. Bhivaji has two sons namely Chintaman and Ukhardu. Ram (Validity Holder), Rukhmanbai and Shivaji (Validity Holder) are the sons Chintaman. Vaidavee is the daughter of Ram Chintaman Sonvane. In another branch of genealogical, Dhondiba is the son Ganu Dagdu Sonvane. Ganpat is the son of Dhondiba. Bhagwan (validiaty holder), father of the petitioners, is the son of Ganpat.

7. On face of record, it appears that on 29.04.2011, the Respondent Scrutiny Committee had granted validity certificate of belonging to "Koli Malhar" Scheduled tribe in favour of Bhagwan Ganpat Sonvane, father of the petitioners. Further, this Court delivered an order on 03.10.2024 in Writ Petition Nos. 10675 of 2024 (Vaidavee d/o Ram Sonvane Vs. State and another) and directed the respondent Scrutiny Committee to issue conditional validity certificate of belonging to "Koli Malhar" Scheduled Tribe in favour of Vaidavee d/o Ram Sonvane, niece of the petitioners.

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 Malhar Scheduled Tribe issued in favour of blood relatives of the petitioners, including their father, 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 20.08.2025 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) The impugned order dated on 20.08.2025, 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) Mr. Bhagwan Ganpat Sonvane and another, 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.

(Y. G. KHOBRAGADE, J.)

(MANISH PITALE, J.)

JPChavan