



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

WRIT PETITION NO. 10506 OF 2025

1. Anushka Santosh Boyane ... **Petitioners**
Aged 18 years, Occu: Student

2. Vyankatesh Santosh Boyane
Age 18 yeas, Occu: Student
Both R/o Village Dhanegaon Tq. Devani
District Latur

VERSUS

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

2. Scheduled Tribe Certificate Scrutiny ... **Respondents**
Committee, Kinwat Division,
Headquarter at Chh. Sambhajinagar
Through its Member Secretary

3. State Common Entrance Cell,
Maharashtra, Excelsior Building, Fort,
Mumbai 400 001 through its Commissioner

Mr. R. K. Mendadkar & Mr. Vijay G. Gangalwad, Advocates for the
petitioners,

Mr. Sachin V. Kuptekar, Advocate for Respondent No.3

Ms. Neha B. Kamble, AGP for the Respondents State

**CORAM : MANISH PITALE &
Y. G. KHOBRADE, 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 20.08.2025 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 20.08.2025, 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, Irrappa Ranba Boyane, forefather of the petitioners had five sons namely Rathunah,

Sambhaji, Shankar, Tukaram and Kisan Irrappa Boyane. Madhavrao, Gopal and Tulshiram are the sons of Raghunath Irrappa Boyane. Santosh, Rajkumar, Sanjiv (validity holders) and Shakuntala are the Children of Madhavrao Rathunath Boyane. Petitioners are the daughter and son of Santosh Madharao Boyane (validity holder).

7. On face of record, it appears that on 29.05.2006, the Respondent Scrutiny Committee had granted validity certificate of belonging to "Koli Mahadev" Scheduled tribe in favour of Santosh Madhavrao Boine, father of the petitioners. On 12.08.2008, the Respondent Scrutiny Committee had granted validity certificate of belonging to "Koli Mahadev" Scheduled tribe in favour of Sanjiv Madhavrao Boine, real uncle of the petitioners. On 10.08.2011, the Respondent Scrutiny Committee had granted validity certificate of belonging to "Koli Mahadev" Scheduled tribe in favour of Rajkumar Madhavrao Boine, real uncle 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 validity certificates was issued to the father of the petitioners. 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 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 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. Santosh Madhavrao Boine, father of the Petitioners, who is served with notice of revocation of validity, shall furnish undertaking before the Scrutiny Committee, stating that he will cooperate and appear before the Scrutiny Committee as and when called upon.

(Y. G. KHOBRAGADE, J.)

(MANISH PITALE, J.)

JPChavan