



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

97 WRIT PETITION NO. 10543 OF 2025

RUSHIKESH VIJAYSING RABADE

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
ANOTHER

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Mr. Vivekanand U. Jadhav – Advocate for Petitioner

Mr. V.M. Kagne – AGP for Respondents, State

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

DATE : 25.08.2025

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

1. By the present petition, the petitioner takes exception to the order dated 13.08.2025 passed by respondent No.2 – Scrutiny Committee, thereby invalidating his 'Naikda' Scheduled Tribe claim.
2. Issue notice to the respondents. The learned A.G.P. waives service of notice on behalf of both the respondents.
3. Considering the urgency, the matter is taken up for final disposal at the motion stage. Heard both sides at length.
4. Having regard to the rival submissions canvassed on behalf of both sides, we have perused the petition paper book. Needless to say that, the petitioner is the aspiring student of a professional B.Ed. course and he

requires tribe validity certificate for the purpose of admission.

5. As per the genealogical tree, Shri. Dhupa Naikda, great-grandfather of the petitioner, had two sons, namely Harichand and Fulsing. Raybhan, Paramsing and Devsing are the sons of Harichand, while Mangalsing is the son of Fulsing. Berusing, Kabeer and Shensing are the sons of Raibhan. Dinesh, Mukesh, Pikesh and Yogesh are the sons of Paramsing. Vijaysing and Swarupsing are the sons of Devsing and Ishwarsing and Shersing are the sons of Mangalsing. Sandya and Ronak are the children of Berusing. Shreyash and Sarthak are the sons of Kabeer. Shreeniwas and Yash are the sons of Shensing. Rushikesh (the present Petitioner) and Shreekesh are the sons of Vijaysing. Dipeeka, Trupti and Chetan are the children of Swarupsing. Manoj and Chikesh are children of Ishwarsing, while Ajay is the son of Shersing. Neha and Aparn are children of Manoj.

6. On the face of record, it appears that the respondent No.2 – Scrutiny Committee granted a Naikda validity certificates to Dinesh Paramsing Rabde (cousin uncle of the petitioner valid in 2003), Mukesh Paramsing Rabde (cousin uncle of the petitioner valid in 2004), Kabir Raybhan Rabde (cousin uncle of the petitioner valid in 2007) and Pinkesh Paramsing Rabde (cousin uncle of the petitioner valid in 2011). The respondent No. 2 – Scrutiny Committee has not denied the paternal blood relations between the present petitioner and the other validity

holders. However, by the impugned order dated 13.08.2025, respondent No.2 – Scrutiny Committee held that the paternal blood relatives had obtained the Scheduled Tribe Certificates by suppressing material facts and on the basis of false information. Therefore, the validity holders are served with notices for revocation of validities. However, it is not in dispute that the respondent No.2 – Scrutiny Committee has not invalidated or revoked the said validities issued in favour of paternal blood relatives of the petitioners.

7. Considering the law laid down in the cases of **Maharashtra Adiwas Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and Ors.**, reported in AIR 2023 SC 1657, **Shweta Balaji Isankar Vs. State of Maharashtra and Ors.**, reported in 2018 SCC Online Bom. 10341, **Apoorva Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1 and Ors.**, reported in 2010(6) Mh.L.J. 401, wherein it has been held 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 be issued a validity certificate. However, the said validity shall be co-terminus with the decision in the matter which the Committee may decide to reopen.

8. Learned Counsel appearing for the petitioner submitted that the blood relatives, namely, Kabir Raybhan Rabde, Mukesh Paramsing Rabde

and Dinesh Paramsing Rabde, have been served with notices for revocation of their validities. It is submitted that the said blood relatives of the petitioner are voluntarily ready and willing to execute undertakings before the respondent No.2 – Scrutiny Committee, undertaking to cooperate in the decision regarding revocation of their validities. In these circumstances, it would be just and proper to call upon Kabir Raybhan Rabde, Mukesh Paramsing Rabde and Dinesh Paramsing Rabde to file separate undertakings before respondent No.2 – Scrutiny Committee, within a period of one week from today, stating that they will cooperate with the said Committee in respect of the invalidation of the tribe proceedings.

9. Since the petitioner appears to be an aspiring candidate for admission to a professional B.Ed. course and intends to secure admission under the Scheduled Tribe (ST) reserved category, he is directed to furnish an 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 the open category and no equity shall lie in his favour.

10. In view of the above discussion, the present petition deserves to be partly allowed and the impugned order dated 13.08.2025 passed by the 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 13.08.2025 passed by the respondent No.2 – Scrutiny Committee is hereby quashed and set aside.
- iii. Respondent No.2 – Scrutiny Committee shall immediately issue ‘Naikda’ Scheduled Tribe validity certificate in favour of the petitioner, which shall be subject to the following conditions :
 - (a) The caste validity certificate shall be subject to the outcome of the re-verification of the validity certificates of his blood relatives, as proposed by the Scrutiny Committee.
 - (b) The petitioner shall furnish an undertaking before the Registrar (Judicial) of this Court, as well as before respondent No.2 – Scrutiny Committee and the Educational Institution with which he seeks admission for a professional B.Ed. course, stating that in the event his caste validity is revoked, he shall deposit the the tuition fees and other charges applicable to candidates from the open category.
 - (c) The petitioner shall not claim any equity.
 - (d) The petitioner shall cooperate with the Scrutiny Committee.
- iv. Kabir Raybhan Rabde, Mukesh Paramsing Rabde and

Dinesh Paramsing Rabde, who are blood relatives of the petitioner, shall furnish undertakings before respondent No.2 – Scrutiny Committee immediately, 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.)

Pooja Kale/