



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

993 WRIT PETITION NO. 10602 OF 2025

1. TUSHAR SANJAY RABADE
2. KHUSHI NARAYAN RABADE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Mr. S. C. Yeramwar, Advocate for the Petitioners

Mr. S. D. Ghayal, Addl. G.P. for the Respondents – State

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

DATE : 26.08.2025

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

1. The challenge in the present Petition is to the order dated 14.08.2025, passed by Respondent No.2 Scrutiny Committee, invalidating “Naikda” Scheduled Tribe certificate of the Petitioners.
2. Issue notice to the Respondents. Learned AGP waives notice on behalf of the Respondents.
3. The Petitioners are intending to secure admission to the professional courses 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, Amarsing Dhupa Naikda, the forefather of the Petitioners has one son, namely, Harsing. Sakharam, Bhimrao and Balchand are the sons of Harsingh. Narayan and Chandrasing are the sons of Sakharam. Vijaysingh, Sanjay and Vinod, are the sons of Bhimrao. Punamchand and Lalchand are the sons of Balchand. Khushi (Petitioner No.2), Chanchal and Om are the children of Narayan. Nisha and Gaurav are the children of Vijaysingh. Tushar (Petitioner No.1) and Sneha are the children of Sanjay.

5. On face of record, it appears that on 13.04.2011, the Respondent No.2 Scrutiny committee, granted validity certificate belonging to “Naikda”, scheduled tribe in favour of Vinod Bhimrao Rabade, the uncle of Petitioner No.1 and cousin uncle of Petitioner No.2. On 26.08.2019, this Court passed an order in Writ Petition No.9363 of 2019 (Nisha Vijaysing Rabade Vs. The State of Maharashtra and another), and directed the Scrutiny Committee to issue conditional “Naikda” validity certificate in favour of the Petitioner therein. So also, in Writ Petition No.8616 of 2023 (Gaurav Vijay Rabade Vs. The State of Maharashtra and another), this Court vide order dated 20.07.2023, directed the Scrutiny

committee to issue conditional “Naikda” validity certificate in favour of the Petitioner therein. The Scrutiny Committee has not disputed about relations between the Petitioners and the other validity holders. However, by the impugned order dated 14.08.2025, the 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, and therefore, the validity holders were served with notices for revocation of their 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.

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 Petitioners are 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 Petitioners, which the Respondent No.2 Scrutiny Committee decided to re-open.

7. The learned counsel appearing for the Petitioners submitted that the blood relatives, namely, **Vijaysing Bhimrao Rabade and Vinod Bhimrao Rabade**, have been served with notices for revocation of their validities. It is submitted that the said blood relatives of the Petitioners are voluntarily ready and willing to execute undertakings before the Respondent No.2 Scrutiny Committee, undertakings to cooperate in the decision regarding revocation of their validities. In these circumstances, it would be just and proper to direct Vijaysing and Vinod to file separate undertakings before Respondent No.2 Scrutiny Committee, stating that they will cooperate with the said Committee in respect of the invalidation of the tribe proceedings.

8. Since the petitioners appear to be the aspiring candidates for admission to professional courses and they intend to secure admission under the Scheduled Tribe reserved category,

they are directed to furnish undertaking that, in the event their claims are invalidated by Respondent No.2 Scrutiny Committee, they shall pay the tuition and admission fees applicable to a candidate from open category and no equity shall lie in their favour.

9. In view of the above discussion, the present Petition deserves to be partly allowed and the impugned order dated 14.08.2025, 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 14.08.2025, passed by Respondent No.2 Scrutiny Committee, is hereby quashed and set aside.
- (iii) Respondent No.2 Scrutiny Committee shall **immediately** issue "Naikda" Scheduled Tribe validity certificates in favour of the Petitioners, 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 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

Respondent No.2 Scrutiny Committee and the Educational Institution with which they seek admission for professional courses, stating that in the event of their caste validity is revoked, they shall 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) **Vijaysing Bhimrao Rabade and Vinod Bhimrao Rabade**, 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.

(v) The Writ Petition is disposed of. Pending applications, if any, also stand disposed of.

[Y. G. KHOBRADE, J.]

[MANISH PITALE, J.]

SMS