



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10764 OF 2025

1. Pavan s/o Pundlik Padale
Aged 19 years, Occu: Education
2. Sakshi d/o Pundlik Padale ... **Petitioners**
Age 21 yeas, Occu: Education
3. Sagar s/o Ramdas Padale
Age 32 years, Occu: Service
All r/o Undangaon Tq. Sillod
District Chhatrapati Sambhajinagar

VERSUS

1. The State of Maharashtra,
Through its Secretary
Tribal Development Department,
Mantralaya, Mumbai 32
2. Scheduled Tribe Certificate Scrutiny ... **Respondents**
Committee, Chh. Sambhajinagar
Through its Member Secretary
3. The Superintendent of Police, Latur
District Latur

Mr. Deepak D. Chaudhari a/o Mr. Ramesh B. More, Advocates for the
petitioners,

Mr. V. M. Chate, AGP for the Respondents State

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

DATE : **03.09.2025**

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

1. By the present petition under Article 226 of the Constitution
of India, the Petitioners, who are paternal blood relatives, take exception

to the order dated 21.08.2025 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. Petitioner Nos. 1 and 2 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 final disposal at the stage of admission.

4. Petitioner Nos. 1 and 2 are real brother and sister whereas, Petitioner No.3 is their cousin uncle. They claim that they belong to "Koli Malhar" Scheduled Tribe. Petitioner Nos. 1 and 2 require validity certificates for educational purpose and Petitioner No.3 requires validity certificate for service purpose. 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 21.08.2025, 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, Sandu Motiram Padale great/grandfather of the petitioners has four children namely, Sampat, Shrawan(validity holder), Leelabai and Ramdas. Sumitra, Pundlik (father of petitioner Nos. 1 and 2) and Deepak (validity holder) are the children of Shrawan Sandu Padale. Kalpana, Sandip and Sagar (Petitioner No.3) are the children of Ramdas Sandu Padale.

7. On face of record, it appears that on 27.09.2010, the Respondent Scrutiny Committee had granted validity certificate of belonging to "Koli Malhar" Scheduled tribe in favour of Shrawan Sandu Padale, grandfather of Petitioner Nos.1 and 2 and real uncle of Petitioner No.3. Further, on 04.01.2011, the Respondent Scrutiny Committee had granted validity certificate of belonging to "Koli Malhar" Scheduled tribe in favour of Dipak Shrawan Padale, real uncle of Petitioner Nos.1 and 2 and cousin brother of Petitioner No.3.

8. Respondent No.2 passed the impugned order and invalidated the scheduled tribe claim of the petitioners on the grounds that the petitioners failed to prove the affinity tests and that

the paternal blood relatives of the petitioners obtained validity certificates on the basis of false documents and concealment of original record and therefore, notice for revocation of validity certificates was issued to Shrawan Sandu Padale and Dipak Shrawan Padale, paternal blood relatives of the petitioners. However, as on today, the validity certificates of Koli Malhar Scheduled Tribe issued in favour of blood relatives of the petitioners 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. Petitioner Nos. 1 and 2 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 21.08.2025 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 21.08.2025, 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) Petitioner Nos. 1 and 2 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) S/Shri Shrawan Sandu Padale and Dipak Shrawan Padale, paternal blood relatives of Petitioners, who are served with notice of revocation of their validity certificates, shall immediately 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.)