



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10740 OF 2025

JANHAVI KISHOR TAYADE

VERSUS

SCHEDULE TRIBE CERTIFICATE SCRUTINY COMMITTEE AND
ANOTHER

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Mr. Mahesh Deshmukh, Advocate h/f Mr. U. B. Gite, Advocate for
the Petitioner

Mr. R. K. Ingole, AGP for Respondent No.1 – State

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

DATE : 03.09.2025

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

1. The challenge in the present Petition is to the order dated 18.08.2025, passed by Respondent No.1 Scrutiny Committee, invalidating “Thakur” Scheduled Tribe certificate of the Petitioner.

2. The Petitioner is intending to secure admission to the professional course from the seat reserved for the Scheduled Tribe category. Considering the extreme urgency shown, the Petition is taken up for disposal at the stage of admission.

3. Heard both the sides at length.

4. As per the genealogical tree, Kisanrao Suryabhan Tayade, great grandfather of the Petitioner has one son, namely, Thaksenrao Kisanrao Tayade. Kishor, Kiran, Yogesh, Rajesh and Mahesh are the sons of Thaksenrao. Aditya, Janhavi (Petitioner), Sharayu and Ashutosh, are the children of Kishor.

5. On face of record, it appears that, on 26.03.2010, the Scrutiny Committee granted validity certificate of belonging to “Thakur” Scheduled Tribe in favour of Kishor Thaksenrao Tayade, the father of the Petitioner. So also, on 07.10.2010, the Scrutiny Committee granted validity certificate of belonging to “Thakur” Scheduled Tribe in favour of Mahesh Thaksenrao Tayade, the real uncle of the Petitioner. This Court vide order dated 06.11.2019, in Writ Petition No.13416 of 2019 (Kiran Thaksen Tayde Vs. Scheduled Tribe Certificate Scrutiny Committee) granted ad-interim relief in favour of the Petitioner, who is real uncle of the Petitioner. The Scrutiny Committee passed the impugned order and invalidated the scheduled tribe claim of the Petitioner on the ground that paternal blood relatives of the Petitioner obtained validity certificates by suppressing material facts and on the basis of false information, and

therefore, the validity holders, namely, **Yogesh Thaksen Tayade, Kishor Thaksen Tayade and Rajesh Thaksen Tayade and Mahesh Thaksen Tayade**, were served with notices for revocation of their validities. However, it is not in dispute that the Scrutiny Committee has not invalidated or revoked the said validities issued in favour of paternal blood relatives of the Petitioner.

6. 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 Petitioner is entitled to have the certificate of validity.

7. The learned counsel appearing for the Petitioner submitted that the Scrutiny Committee has issued notice of revocation of validity certificates to the blood relatives of the

Petitioners, namely, **Yogesh Thaksen Tayade, Kishor Thaksen Tayade and Rajesh Thaksen Tayade and Mahesh Thaksen Tayade.** It is submitted that the said blood relatives of the Petitioner are voluntarily ready and willing to execute undertakings before the Scrutiny Committee, that they will cooperate in the decision regarding revocation of their validities. In these circumstances, it would be just and proper to direct **Yogesh, Kishor, Rajesh and Mahesh,** to file separate undertakings before the Scrutiny Committee, stating that they will cooperate with the said Committee in respect of the tribe proceedings.

8. The Petitioner appears to be the aspiring student for the professional course, therefore, she is called upon to furnish undertaking that, in case, his caste validity certificate is invalidated by the Scrutiny Committee, in that event, she shall pay the tuition fees and admission fees applicable to the candidates from open category and no equity shall lie in her favour. In view of above discussion, the present Petition deserves to be allowed partly and the impugned order dated 18.08.2025, passed by the 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 18.08.2025, passed by the Scrutiny Committee is hereby quashed and set aside.
- (iii) The Scrutiny Committee shall **immediately** issue “Thakur” Scheduled Tribe validity certificate in favour of the Petitioner, 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 her blood relatives proposed by the Scrutiny Committee.
 - (b) The Petitioner shall furnish an undertaking before the Registrar (Judicial) of this Court as well as before the Scrutiny Committee and the Educational Institution with whom she will take admission for professional course, indicating that in case her caste validity is revoked, she would deposit the tuition fees and other charges applicable to the candidates from open category.
 - (c) The Petitioner shall not claim any equity.
 - (d) The Petitioner shall cooperate with the Scrutiny Committee.
- (iv) **Yogesh, Kishor, Rajesh and Mahesh**, who are blood relatives of the Petitioner, shall furnish undertakings, immediately 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. KHOBRAGADE, J.]

[MANISH PITALE, J.]

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