

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9888 OF 2024

Atul Sudhakar Nagarwad

VERSUS

The State Of Maharashtra Through Its Secretary

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Advocate for the Petitioner : Mr. Jadhavar Pratap V.
AGP for Respondent/State : Ms. Vaishali S. Chaudhari

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CORAM : R.G. AVACHAT &
ABASAHEB D. SHINDE, JJ.

DATED : SEPTEMBER 03, 2025

PER COURT :

. Heard.

2. The petitioner has been given admission to Bachelor of Engineering subject to submission of validity certificate regarding his tribe claim. The petitioner claims to have belonged to Koli Mahadev - Scheduled Tribe. His tribe certificate was subjected to scrutiny. The Scrutiny Committee refused to grant validity. He is therefore before us.

3. Learned advocate for the petitioner would submit that the cousin of petitioner namely Avdhut has been granted validity by this Court. The petitioner's relationship with Avdhut is not in dispute. He would further submit that there are other four validity holders with whom the petitioner has blood relations. According to him, in cases wherein the validity certificates have been granted to the

relations of the petitioner are proposed to be reopened, the petitioner deserves to be granted validity certificate conditionally. According to him, the petitioner is in dire need of the validity certificate. Otherwise, his educational career may be stalled. He therefore urged for allowing the writ petition.

4. Learned AGP, on the other hand, would submit that there were contra entries in the school record of petitioner himself and one Babu on whose validity certificate, the petitioner relies. According to her, the petitioner had not placed on record extensive genealogy, so as to make out a case of his blood relationship with the validity holders. Name of Babu has not been shown in the genealogy relied on by the petitioner before the Committee. According to learned AGP, the petitioner therefore cannot bank upon the validity certificate issued in favour of Babu. She therefore urged for dismissal of the petition.

5. We have perused the order impugned herein. Our attention has been adverted to issue no.2 addressed by the Scrutiny Committee in its order. The Committee has observed that the petitioner would not be entitled to rely on the validity certificate granted in favour of his so-called blood relations. Our attention has further been adverted to the school record wherein caste/tribe of the petitioner's forefather has been shown as 'Koli'. The words "Hindu Mahadev" are alleged to have been introduced subsequently. The Committee has given such findings and therefore proposed to reopen

the cases of those in whose favour validities have been granted and the petitioner had relied on.

6. Admittedly, the so-called blood relations of the petitioner in whose favour the validity certificates have been granted are not before us. In para 7 of the impugned order, the Committee did not dispute the petitioner's relation with Babu. Babu is cousin uncle of the petitioner. His son by name Avdhut has been granted validity certificate vide judgment and order dated 29.08.2024 passed by this Court in Writ Petition No.13697 of 2021. We have perused the order passed in the said writ petition and relied on by the petitioner herein. This Court granted conditional validity certificate to Avdhut. Along with Avdhut, five other family members related to him by blood have also been granted validity certificates. Since the relationship of Avdhut with petitioner was not in dispute before the Scrutiny Committee and Babu is his cousin uncle, holding the validity, we have no option but to grant the petitioner conditional validity certificate. It is true that the Committee has observed that some factual matrix was suppressed therein, there were some contra entries as well. In our view, so long as the validity certificate holds the field, the petitioner deserves to be granted validity. It is not a case of palpable fraud.

7. In this view of the matter, we proceed to pass the following order :

ORDER

- (i) The Writ Petition is partly allowed.
- (ii) The impugned order dated 06.09.2024, passed by the respondent No.2/Scrutiny Committee is quashed and set aside.
- (iii) The respondent No.2/Scrutiny Committee shall issue tribe validity certificate to the petitioner as belonging to Koli Mahadev – Scheduled Tribe forthwith.
- (iv) The said validity to the petitioner shall be co-terminus with the validity certificates issued in favour of Avdhut and five others vide judgment and order dated 29.08.2024 passed in Writ Petition No.13697 of 2021.
- (v) Writ Petition stands disposed of.

(ABASAHEB D. SHINDE, J.)

(R.G. AVACHAT, J.)