



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10823 OF 2025

Rutuja d/o Nagnath Konkewad ... Petitioner
Age 19 years, Occu: Education
R/o Manjaram Tq. Naigaon, Dist. Nanded

VERSUS

1. The State of Maharashtra,
Through its Secretary
Tribal Development Department,
Mantralaya, Mumbai 32
2. Scheduled Tribe Certificate Scrutiny ... Respondents
Committee, Kinwat
Headquarter Chh. Sambhajinagar
Through its Deputy Director (R)

Mr. Omgashad B. Boinwad, Advocate for the Petitioner,
Mr. A. R. Kale, AGP for the Respondents State

CORAM : MANISH PITALE &
Y. G. KHOBRADE, JJ.
DATE : 04.09.2025

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

1. The challenge in the present Petition is to the order dated 02.09.2025, passed by Respondent No.2 Scrutiny Committee, invalidating “Koli Mahadev” Scheduled Tribe Certificate of the Petitioner.

2. Issue notice to the respondents. Learned AGP waives notice on behalf of both the respondents.

3. The petitioner is a student and requires validity for education purpose. She is intending to secure admission to professional course from the seat reserved for the Scheduled Tribe Category. Schedule of admissions has started as MH-CET result is declared. Therefore, considering the urgency shown, the petition is taken up for disposal at the stage of admission.

4. Heard both sides at length.

5. As per the genealogical tree, Housaji Konkewad, forefather of the petitioner, had two sons namely, Devrao Konkewad and Nagorao Konkewad. Govind and Housaji are the sons of Nagorao Konkewad. Nagnath (validity holder and father of the petitioner) is the son of Housaji Nagorao Konkewad. In another branch of genealogy, Shankar, Malhari, Vitthal and Ram are the sons of Deorao Housaji Konkewad. Anand and Shivaji (Validity holders) are the sons of Shankar. Subhash (validity holder) is the son of Malhari. Santosh is the son of Vitthal Deorao Konkewad. Aarti (validity holder) is the daughter of Santosh Vitthal Konkewad.

6. On face of record, it appears that on 09.12.2009, the Scrutiny Committee granted validity certificate of belonging to Koli Mahadev Schedule Tribe in favour of Ananda Shankar Konkewad, cousin uncle of the petitioner. On 15.03.2010, the Scrutiny Committee granted validity certificate of belonging to Koli Mahadev Schedule Tribe in favour of Nagnath Housaji Konkewad, father of the petitioner. On 21.01.2011, the Scrutiny Committee granted validity certificate of belonging to Koli Mahadev Schedule Tribe in favour of Subhash Malhari, cousin uncle of the petitioner.

7. Respondent No.2 passed the impugned order and invalidated the scheduled tribe claim of the petitioner on the grounds that the petitioner failed to prove the affinity and that the paternal blood relatives of the petitioner 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 paternal blood relatives of the petitioner. However, as on today, the validity certificates of Koli Mahadev Scheduled Tribe issued in favour of blood relatives of the petitioner, including father of the petitioner, are still in operation. Admittedly, the validity holders are the paternal blood relatives of the petitioner and the Committee has not denied the same.

8. Since the paternal blood relatives of the Petitioner, including father are having “Koli Mahadev” Scheduled Tribe Validity certificates, considering the parity, the Petitioner is also entitled to have “Koli Mahadev” Scheduled Tribe validity certificate. However, such validity shall be subject to the outcome of the decision in the proceedings in respect of blood relative of the Petitioner, which the Respondent No.2 decided to re-open.

9. Learned counsel for the petitioner voluntarily submitted that blood relatives of the petitioner 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.

10. 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.

11. The Petitioner appears to be the aspiring student for the professional course. Therefore, she is called upon to furnish undertaking that, in case, her 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.

12. In view of above discussion, the present Petition deserves to be allowed partly and the impugned order dated 02.09.2025, 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 02.09.2025, passed by Respondent No.2 Scrutiny Committee is hereby quashed and set aside.
- (iii) Respondent No.2 Scrutiny Committee shall **immediately** issue “Koli Mahadev” 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 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.
- (v) S/shri Nagnath Housaji Konkewad, Shivaji Konkewad, Ananda Shankar Konkewad, Subhash Malhari Konkewad, who are blood relative of the Petitioner, 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. KHOBRADE, J.)

(MANISH PITALE, J.)

JPChavan