



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 10842 OF 2025

1. Avinash s/o Ramhari Gandhale ... **Petitioner**
Age 18 years, Occu: Education
R/o Choramba, Tq. Dharur Dist. Beed
Through father/Power of Attorney-
Ramhari s/o Antaram Gandhle
Age 47 years, Occu: Service
2. Amar s/o Ramhari Gandhale
Age 22 years, Occu: Education
R/o Choramba, Tq. Dharur Dist. Beed
Through father/Power of Attorney-
Ramhari s/o Antaram Gandhle
Age 47 years, Occu: Service

VERSUS

1. The State of Maharashtra,
Through its Secretary
Tribal Development Department,
Mantralaya, Mumbai 32
2. The Scheduled Tribe Certificate Verification ... **Respondents**
Committee,
Chhatrapati Sambhajanagar,
Through its Deputy Director (R)

Mr. S. M. Vibhute, Advocate for the petitioner,
Mr. S. K. Tambe, AGP for the Respondents State

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

DATE : 4th September, 2025

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

1. By the present petition under Article 226 of the Constitution of India, the Petitioners, who are siblings, take exception to the order dated 03.09.2025 passed by Respondent No.2 Scrutiny Committee in case Nos.4/523/Edu/022025/272418 and 4/523/Edu/042025/282671, thereby invalidating their "Koli Mahadev" Schedule Tribe Certificates.

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

3. The petitioners are the students and they require validity for education purpose. The petitioners claim that they belong to Koli Mahadev Schedule Tribe and they are intending to secure admission to professional course from the seat reserved for the Scheduled Tribe Category. Schedule of admissions has started as CET result is declared. Therefore, considering the urgency shown, the petition is taken up for disposal at the stage of admission.

4. Individual proposals of the petitioners 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

03.09.2025, the claims of the petitioners of belonging to "Koli Mahadev" 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, Maruti Hariba Gondhale, forefather of the petitioner had three sons namely Nivrutii, Narsu and Maruti. Antaram Maruti Gandhale, grandfather of the petitioners, has three sons namely, Ramhari (validity holder and father of the petitioners), Vikas and Dhanraj (validity holder) On face of record, it appears that on 21.10.2009, the Respondent-Scrutiny Committee had granted validity certificate of belonging to "Koli Mahadev" Scheduled tribe in favour of Ramhari Antram Gandhale, father of the petitioners. Further, on 12.09.2008, the Respondent Scrutiny Committee had granted validity certificate of belonging to "Koli Mahadev" Scheduled tribe in favour of Dhanraj Antram Gandhale, real uncle of the petitioners.

7. In another branch of genealogical tree, Bagwan Narsu Gandhale had six sons namely, Sambhudev, Govardhan, Maruti, Laxman, Janardhan and Shankar. Rameshwar (Validity holder) is the son of Maruti Bhagwan Gandhale. Sominath (validity holder) is the son of Govardhan Bhagwan Gandhale. On 16th December,

2024, this court passed order in Writ Petition Nos. 2060 of 2022 and 2061 of 2022 and granted conditional validity of belonging to Koli Mahadev Scheduled Tribe in favour of Rameshwar Maruti Gandhale and Sominath Govardhan Gandhale, cousin brothers of the petitioners.

8. Respondent No.2 passed the impugned order and invalidated the scheduled tribe claim of the petitioners on the grounds that the petitioner failed to prove the affinity 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 the paternal blood relatives of the petitioners. However, as on today, the validity certificates of Koli Mahadev 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 petitioners, including father 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. The Petitioners appear to be the aspiring students for the professional courses. Therefore, they are called upon to furnish undertaking that, in case, their tribe 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 03.09.2025 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) Impugned order dated on 03.09.2025, 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 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) The Petitioners 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) Shri Ramhari Antram Gandhale, father of the petitioners and other paternal blood relatives of the Petitioners, who are served with notice of revocation of validity, shall 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.)

JPCChavan