



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

WRIT PETITION NO. 10844 OF 2025

Lokesh Kamlakar Saindane ... **Petitioner**
Age 18 years, Occu: Education
R/o Plot No.7, Chawara Chowk
Indira Nagar, Nashik

VERSUS

1. The State of Maharashtra,
Through its Secretary
Tribal Development Department,
Mantralaya, Mumbai 32
2. Joint Commissioner-cum- Vice Chairman, ... **Respondents**
Scheduled Tribe Certificate Scrutiny
Committee, Dhule
3. Dr. D.Y. Patil Pratisthan College of
Engineering, Akurdi Pune,
Through its Pricipal
4. State Common Entrance Test Cell,
Maharashtra State, Fort, Mumbai

Mr. M. R. Wagh, Advocate for the petitioner,
Ms. Saie S. Joshi, AGP for the Respondents State
Mr. Sujeet C. Karlekar, Advocate for Respondent No.4

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

DATE : 4th September, 2025

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

1. The challenge in the present Petition is to the order dated
3rd September, 2025, passed by Respondent No.2 Scrutiny

Committee in Case No. 14/499/Edu/092024/134175, invalidating “Tokre Koli” Scheduled Tribe claim of the Petitioner.

2. Issue notice to the respondents. Learned AGP waives notice on behalf of Respondent Nos. 1 and 2. Learned counsel Mr. Karlekar appears on behalf of Respondent No.4.

3. The petitioner is a student and requires validity for education purpose. The petitioner claims that he belongs to Tokre Koli Schedule Tribe and he is 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. Having regard to the submissions canvassed on behalf of both the sides, we have gone through the record.

5. As per genealogical tree, Govind Mohanji Saindane, forefather of the petitioner had two sons namely Kalu and Mahadu. Kautik is the son of Kalu. Kadu is the son of Mahadu. Kautik Kalu Saindane has four children namely Eknath, Jagannath, Vinayak (Validity holder) and Shobha. Kamlakar Eknath Saindane (validity holder) is the father is the petitioner. In another branch of

genealogy, Kadu is the son of Mahadu Govind Saindane. Adhar is the son of Kadu Mahadu Saindane. Adhar has four children namely Prakash (Validity holder and cousin uncle of petitioner), Hiralal, Bharat and Mangala. Dipali (validity holder), Kalpesh, and Manoj, cousins of the petitioners, are the children of Prakash Adhar Saindane.

6. On face of record, it appears that on 25.06.2010, the Scrutiny Committee had granted validity certificate of belonging to Tokre Koli Schedule Tribe in favour of Kamlakar Eknath Saindane, father of the petitioner. Further, on 18.01.1991, this court passed order in Writ Petition No. 2747 of 1991 and directed the committee to issue validity of belonging to Tokre Koli Scheduled Tribe in favour of Prakash Adhar Saindane, cousin grandfather of the petitioner. On 22.07.2009, the Scrutiny Committee had granted validity certificate of belonging to Tokre Koli Schedule Tribe in favour of Kalpesh Prakash Saindane, cousin of the petitioner. On 22.07.2009, the Scrutiny Committee had granted validity certificate of belonging to Tokre Koli Schedule Tribe in favour of Manoj Prakash Saindane, cousin of the petitioner.

7. Respondent No.2 passed the impugned order and invalidated the scheduled tribe claim of the petitioner on the grounds

the petitioner has failed to prove the affinity test 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 their validity certificates was issued. However, as on today, the validity certificates of "Tokre Koli" Scheduled Tribe issued in favour of blood relatives of the petitioner, including father are still in operation. Admittedly, the validity holders are the blood relatives of the petitioner and the Committee has not denied the same.

8. 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 petitioner, the petitioner is entitled to have conditional validity subject to outcome of the decision in the proceedings in respect of the blood relatives of the petitioner, which the committee has decided to reopen.

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 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. The Petitioner appears to be the aspiring student for the professional course. Therefore, he is called upon to furnish undertaking that, in case, his tribe validity certificate is invalidated by the Scrutiny Committee, in that event he shall pay the tuition fees and admission fees applicable to the candidates from open category and no equity shall lie in his favour.

11. In view of above discussion, the present Petition deserves to be allowed partly and the impugned order dated 3rd September, 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 3rd September, 2025, passed by

Respondent No.2 Scrutiny Committee is hereby quashed and set aside.

iii) Respondent No.2 Scrutiny Committee shall **immediately** issue “Tokre Koli” Scheduled Tribe validity certificate in favour of the Petitioner, which shall be subject to following conditions:-

- (a) The caste validity certificate shall be subject to the outcome of the re-verification of the validity certificates of the his blood relatives, if any, 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 he will take admission for professional course, indicating that in case his caste validity is revoked, he 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) Shri Kamlakar Ram Saindane and other blood relatives of the Petitioner, to whom the notice for revocation of validity has been served, 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.)