



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

WRIT PETITION NO. 13816 OF 2023

SUMIT TULSHIRAM SANGAMWAR

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Mr. Sagar S. Phatale, Advocate for the Petitioner

Mr. R. K. Ingole, AGP for the Respondents – 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 27.09.2023, passed by Respondent No.2 Scrutiny Committee, invalidating “Koli Mahadev-29” Scheduled Tribe certificate of the Petitioner.

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

3. As per the genealogical tree, Lachhamanna Naganna Sangamwar had two sons, namely, Naganna and Baburao.

Tulshiram and Lachhamanna are the sons of Naganna. Nishigandh is the son of Tulshiram. Tulshiram is the son of Lachhamanna. Hullaji is the son of Baburao and Pralhad is the son of Hullaji. Swapna, Sneha, Sonali, Amit and Sumit (Present Petitioner), are the children of Tulshiram.

4. On face of record, the Scrutiny has issued the validity certificates in favour of Pralhad Hulajirao Sangamwar, Swapna Tulshiram Sangamwar (on 10.11.2005), Tulshiram Lachhanna Sangamwar (on 11.08.2006), Sneha Tulshiram Sangamwar (on 10.08.2007), Sonali Tulshiram Sangamwar (on 10.08.2007) and Amit Tulshiram Sangamwar (on 17.08.2009). However, by impugned order, the Scrutiny Committee held that the paternal blood relatives of the Petitioner, namely, **Tulshiram** (father of the Petitioner), **Sonali, Amit and Swapna**, the blood relatives of the Petitioner had obtained the Scheduled Tribe Certificates by suppressing material facts and on the basis of false information, and therefore, the validity holders 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.

5. Therefore, 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 certificate of validity on the ground of parity, however, the such validity shall be subject to the outcome of the decision in the proceeding in respect of blood relatives of the Petitioner, which the Scrutiny Committee decided to re-open.

6. Since the petitioner appears to be aspiring candidate for admission to professional course and he intends to secure admission under the Scheduled Tribe reserved category, he is directed to furnish undertaking that, in the event his claim is invalidated by the Scrutiny Committee, he shall pay the tuition and admission fees applicable to a candidate from open category and no equity shall lie in his favour.

7. Learned counsel for the Petitioner submits that the blood relatives, namely, **Tulshiram** (father of the Petitioner), **Sonali, Amit and Swapna**, have been served with notices for revocation of their validities. It is submitted that the said blood relatives of the Petitioner are ready and willing to execute undertaking before the Scrutiny Committee, undertaking to cooperate in the decision regarding revocation of their validities. In these circumstances, it would be just and proper to direct **Tulshiram** (father of the Petitioner), **Sonali, Amit and Swapna**, to file separate undertakings before the Scrutiny Committee, immediately, stating that they will cooperate with the said Committee in respect of the tribe proceedings.

8. In view of the above discussion, the present Petition deserves to be partly allowed and the impugned order dated 27.09.2023, 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 27.09.2023, passed by Respondent No.2 Scrutiny Committee, is hereby quashed and set aside.

(iii) Respondent No.2 Scrutiny Committee shall **immediately** issue “Koli Mahadev-29” Scheduled Tribe validity certificates 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 certificate of his blood relatives proposed by the Scrutiny Committee.
- (b) The Petitioner shall furnish undertaking before the Registrar (Judicial) of this Court as well as before Respondent No.2 Scrutiny Committee and the Educational Institution with which he seek admission for professional course, stating that in the event of his caste validity is revoked, he shall 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) **Tulshiram** (father of the Petitioner), **Sonali, Amit and Swapna**, shall furnish undertaking 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. KHOBRADE, J.]

[MANISH PITALE, J.]

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