



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

902 WRIT PETITION NO. 11602 OF 2024

Krutika Hemant Patil

....Petitioner

VERSUS

The State of Maharashtra
Through Its Secretary And Others

.....Respondents

.....
Mr. A. R. Syed, Advocate for the Petitioner
Mr. A. R. Kale, Addl. GP for the Respondents - State
.....

**CORAM : R. G. AVACHAT &
NEERAJ P. DHOTE, JJ.**

DATE : 08.07.2025

PER COURT :

1. By consent of both the sides heard finally at the stage of admission.

2. The Petitioner has cleared his Graduation and now aspiring to take admission in the Master of Business Administration [MBA] course. He claims to be belonging to '*Tokre Koli*' Scheduled Tribe. The Competent Authority had issued the Tribe Certificate to the Petitioner for '*Tokre Koli*'. The caste certificate of the Petitioner was referred to Respondent No.2 – Committee. The Respondent No.2 – Committee conducted a Vigilance Inquiry and after considering the documents in the file, passed the impugned order dated 11/09/2024, invalidating the Petitioner's claim towards '*Tokre Koli*' Scheduled Tribe. Hence, this Writ Petition under Article 226 of the Constitution of India.

3. It is submitted by the learned Advocate for the Petitioner that, the Competent Scrutiny Committee has issued the validity certificate to the father of Petitioner belonging to the '*Tokre Koli*' Scheduled Tribe. He further submits that, as the caste certificate of the Petitioner's grand-father by name Dashrath Baburao Patil was cancelled, an Appeal bearing No.06/1987 was preferred before the Appellate Authority by the Petitioner's grand-father and the said Appeal came to be allowed vide order dated 02/06/1987. He submits that, the said order formed the basis for the concerned Committee to issue a validity certificate in favour of the Petitioner's father. He submits that, till the validity certificate of the Petitioner's father is intact, the Petitioner cannot be denied the validity towards '*Tokre Koli*' Scheduled Tribe. He relied on the several decisions of the Hon'ble Supreme Court of India and of this Court in support of his contention. He submits that, today is the last day to submit the Application along with necessary documents on the online portal and, therefore, he sought urgent order.

4. The Writ Petition is opposed by the learned Addl. GP. He submits that, while the Petitioner's father validity was considered by the concerned Committee, the Vigilance Cell found contra-entries in the school record of the relatives of the Petitioner's father and despite that, the concerned Committee had issued the validity certificate to the father of the Petitioner. He submits that, considering the documents available on record, Respondent No.2 – Committee has rightly invalidated the Petitioner's claim towards '*Tokre Koli*' Scheduled Tribe. Hence, the Petition be dismissed.

5. There is no dispute that, when the Petitioner's father tribe claim was being considered, the Vigilance Inquiry was directed and the Vigilance Cell submitted their report. The learned Addl. GP made

available the original record of the Petitioner's father available with Respondent No.2 – Committee. On perusal of the Vigilance Cell report in the case of Petitioner's father, the Vigilance Cell found the entries as '*Koli*' and '*Hindu Koli*' in the school records of the relatives of the Petitioner's father. There is nothing to show that, either the Vigilance Cell or Respondent No.2 – Committee came across any interpolation in the entries or record. Even the learned Addl. GP fairly admitted that, there is nothing to show that, there was any correction of the record. There is reference in the Vigilance Cell report that, this Court in Writ Petition No.4086/1994 decided on 15/12/1994 allowed the Petition of the cousin brothers of the Petitioner's father by name Digambar Rupchand Patil and his children by name Rakesh Digambar Patil, Dinesh Digambar Patil and Ku. Kanchan Digambar Patil and accepted their claim for '*Tokre Koli*' Scheduled Tribe. There is nothing to show that, the said decision of this Court was subjected to challenge. The impugned order shows that, due to the contra-entries as '*Koli*' and '*Hindu Koli*' in the Vigilance Cell report of the Petitioner's father, the Petitioner's tribe claim came to be invalidated. Admittedly, the validity certificate issued to the Petitioner's father is intact till date. According to the learned Advocate for the Petitioner, no notice is received by the Petitioner's father from the Committee indicating that, validity of the Petitioner was reopened. In this view of the matter, the Petitioner becomes entitled for conditional validity. Hence, the following order :-

ORDER

- [I] The Writ Petition is partly allowed.
- [II] The impugned order dated 11/09/2024 passed by Respondent No.2 – Committee, is hereby quashed and set aside.

- [III] The Respondent No.2 – Committee shall issue validity certificate to the Petitioner towards '*Tokre Koli*' Scheduled Tribe within a period of one [1] week from today, so as to facilitate the Petitioner to submit the Application for the MBA course.
- [IV] The Respondent No.2 – Committee shall handover the original documents i.e. Certificate available with them to the Petitioner, so as to enable him to submit the Application. The Petitioner shall return the Certificate to Respondent No.2 – Committee day after tomorrow i.e. 10.07.2025.
- [V] The validity of the Petitioner's claim shall be subject to the validity of his father.
6. Writ Petition is disposed of accordingly.

[NEERAJ P. DHOTE, J.]

[R.G. AVACHAT, J.]

Sameer/July-2025