

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1703 OF 2025

Rahul Sanjay Jadhav
Aged about 25 years, Occ; Student,
Residing at Shri Ganesh Row House no.3,
Behind Jatara Hotel, Samarth Nagar,
Adgaon Shivar, Tah. & Dist.- Nashik,
Maharashtra – 422 003. ... Petitioner

versus

The Scheduled Tribes Caste Certificate
Scrutiny Committee, -through it's Member
Secretary and Deputy Director, Nashik
Division, having office at 2nd Floor,
Adiwasi Vikas Bhavan, Gadkari Chawk,
Nashik – 422 002 ... Respondent

Mr.Piyush Pande for the Petitioner.
Mr.V.M.Mali, AGP for the Respondent-State.

CORAM : RAVINDRA V. GHUGE &
ASHWIN D. BHOBE, JJ.

DATE : 11th February, 2025

ORAL JUDGMENT : *(Per: Ravindra V. Ghuge, J.)*

1. **Rule.** Rule made returnable forthwith and heard finally
by the consent of parties.

2. The Petitioner is aggrieved by the impugned order
passed by the Committee, dated 19th January, 2023 by which his

claim of belonging to the Koli Mahadev Scheduled Tribe category has been invalidated.

3. The Petitioner relies upon the validity certificates issued to his biological father and his biological sister. His father Sanjay is the son of Fakira and grandson of Laxman Jadhav. Ramesh is from the branch of Phula. Ramesh, son of Sonu, is the grandson of Phula. Laxman and Phula are biological brothers, who are sons of Ukha Jadhav. Ramesh was the first person who got the validity certificate in 2004. The Vigilance Cell enquiry was conducted in the case of Ramesh. Sanjay relied upon the validity certificate of Ramesh. Therefore, he got the validity certificate, but without a Vigilance Cell enquiry.

4. Out of the four daughters and one son of Ramesh, two daughters, namely, Jayshree and Anita and the only son Shailesh, have been granted validity certificates, since their biological father Ramesh has the validity certificate. So also, since Sanjay got the validity certificate, his biological daughter Rutuja, who is a twin sister of the present Petitioner Rahul, was also granted the validity certificate.

5. The learned AGP submits, on instructions, that the case of Sanjay, wherein the Vigilance Cell enquiry was not conducted and in the case of Ramesh, wherein there are several interpolations and manipulations in the pre-constitution records, the Committee has decided to issue a show cause notice for reopening their cases.

6. In view of the above, we deem it advantageous to refer to the judgment delivered by the Hon'ble Supreme Court in the case of ***Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti vs. The State of Maharashtra and others***, AIR 2023 SC 1657, wherein it has been held that a Vigilance Cell enquiry is not mandatorily to be conducted in every case. If the paternal close biological relative was granted the validity certificate on the basis of a Vigilance Cell enquiry, the Claimant relying upon such a certificate, need not undergo the Vigilance Cell enquiry. Nevertheless, the Hon'ble Supreme Court has left this issue open to be considered by the Competent Committee as regards whether to conduct a Vigilance Cell enquiry.

7. In ***Apoorva d/o Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1 Nagpur***, [2010(6) Mh.L.J.401 :

AIR 2010(6) Bom.R.21], this Court has concluded that when close blood relatives from the paternal side, have been granted validity certificates, the Claimant before the Court cannot be said to be belonging to any other caste or tribe. So also, in the case of *Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti (supra)*, it is held that the relationship with the close blood relatives having validity certificates, should be established.

8. Before us, the Committee does not dispute the relations between Rahul and Rutuja and Rahul and his father Sanjay. So also, the relation between Sanjay and Ramesh, who are second cousins as their grandfathers Laxman and Phula were biological brothers, the relationship is not disputed.

9. The last limb of the learned AGP's submission as regards manipulations and overwriting of the records, we find that the law laid down by this Court in the case of *Shweta Balaji Isankar vs. The State of Maharashtra and others, (2018 SCC Online Bom 10363)*, could be made applicable to the case of the present Petitioner.

10. In view of the above, **this Writ Petition is partly allowed.** The impugned order dated 19th January, 2023 is quashed and set aside. Subject to further directions in this matter, the Competent Committee would issue a Koli Mahadev Scheduled Tribe certificate to the Petitioner, within 30 days from today.

11. Considering the law laid down in the case of ***Shweta Balaji Isankar*** (*supra*), if the case of any of the validity holders from the paternal bloodline of the Petitioner, is reopened on the ground of interpolations or overwriting or doctored and if their claim is invalidated, the consequences emerging from the said proceeding would also befall upon the present Petitioner.

12. Rule is made partly absolute in the above terms.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)