

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.13662 OF 2024**

Abdul Nafe Abdul Rahim Khan	)	
Age 17 years	)	
Aged minor, Occu. Student	)	
Through his father and natural	)	
Guardian namely Abdul Rahim	)	
Khan Residing at Building no.6,	)	
Room No.8 I.G. Colony V.B. Nagar	)	
Kurla (West), Mumbai-400070	)	Petitioner

versus

1. State of Maharashtra	)	
through its Secretary, Tribal	)	
Development Department,	)	
Mantralaya, Mumbai-400 032.)	)	
2. Scheduled Tribe Certificate	)	
Scrutiny Committee,	)	
Konkan Division,Thane through	)	
its Member Secretary having its	)	
office at MTNL Build.,6 th Floor,	)	
near anesh Talkies, Charai,	)	
Dist. Thane.	)	
3. State Common Entrance Test Cell	)	
8 th Floor, New Excelsior Building	)	
A.K. Nayak Marg, Fort, Mumbai	)	
4. Bhartiya Vidya Bhavans's	)	
Sardar Patel Institute of Technology	)	
its Principal having its office	)	
Andheri, Mumbai-400 058.	)	Respondents

Mr. R.K. Mendadkar a/w Mr. Siddhant Sawai, Ms. Priyank Shaw, Ms. Komal Gaikwad, for the Petitioner.
Mr. V.M. Mali, AGP, for the Respondents/State.

Ms. Kavita N Solunke a/w Shejal Hande, for Respondent No.3-CET Cell.

**CORAM : BHARATI DANGRE &
ASHWIN D. BHOBE, JJ.**

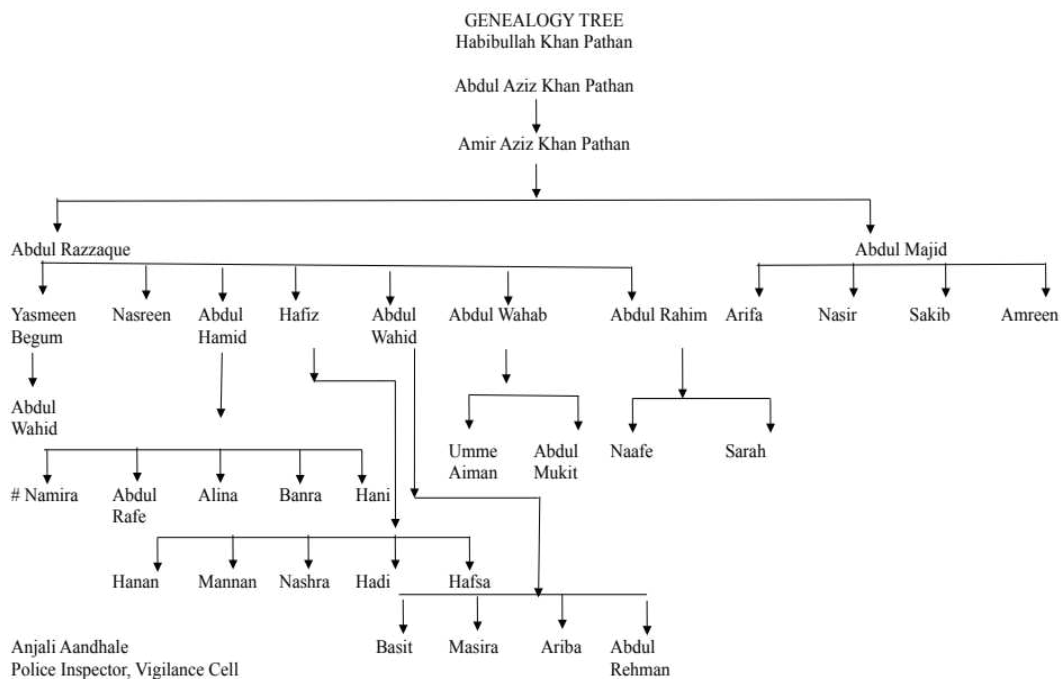
DATE : 14th JANUARY, 2025

JUDGMENT (PER ASHWIN D. BHOBE, J.) :-

1. Rule. By consent of the respective Counsel representing the Counsel, Rule is made returnable forthwith. Petition is taken up for hearing.
2. The decision dated 02.09.2024 of the Respondent No.2 in Case No. DD/TCSC/EDU/Online/Mumbai Suburban-132/2024 invalidating the claim of the Petitioner of belonging to a “Tadvi” Tribe Category, is assailed in this petition. (Impugned decision).
3. Petitioner was granted Caste Certificate bearing no.MRC90036181428 dated 25.06.2019 by the Competent Authority as belonging to “Tadvi” Tribe and with an intention to pursue higher education in the year 2024, he moved the Respondent No.2 for verification of his Caste Certificate. By the impugned decision, the Respondent No.1 has invalidated the Caste Certificate of the Petitioner.
4. The grounds of invalidation as per the impugned order, is that the documents and the material produced on record do not establish the Petitioner’s claim of belonging to “Tadvi” Tribe and the Validity Certificates relied by the Petitioner from the paternal side cannot be considered.

5. Mr. R.K. Mendadkar, learned counsel appearing on behalf of the Petitioner submits that the Respondent No.2-Committee has ignored the judgment and order passed by this Court in Writ Petition (ST) No.21461 of 2019 filed by Umme Aiman and Namira Khanun Abdul Hamid Khan, the cousin sisters of the Petitioner wherein her tribe claim of belonging to Tadvi was held to be valid. He submits that the Petitioner had relied upon seven certificates of validity granted to the near blood relatives of the Petitioner from paternal side, which certificates according to Mr. Mendadkar were preceded by enquiry as contemplated under the Caste Certificates Rules, 2003.

Reliance is placed on the Genealogy Tree (marked as X-1) . The said Genealogy Tree is transcribed hereinafter:-



6. Relying on the above Genealogy Mr. Mendadkar has submitted that paternal side blood relatives namely Yasmeeen Begam, Hafiz, Abdul Wahid, Abdul Rahim, Abdul Mukit, Abdul Rafe and Ariba have been issued Validity Certificate by the Scrutiny Committee. He has drawn our attention to paragraphs 16 and 17 of the order dated 01.08.2019 passed in Writ Petition (ST) No.21461 of 2019 to contend that reference is made to the Caste Validity Certificate of the afore-referred paternal side relative of the Petitioner.

On the basis of the above contentions he submits that the Impugned Decision requires to be quashed and the Petitioner issued Caste Validity Certificate as belonging to Tadvi Tribe.

7. The learned AGP Mr. V.M. Mali has defended the impugned decision by relying upon the exhaustive reasoning set out therein and it is his contention that the petition deserves to be dismissed.

8. The Hon'ble Supreme Court in the case of ***Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti versus State of Maharashtra and Others***¹ has considered the sanctity and significance of the prescribed procedure in The Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 where, the importance and significance of vigilance cell inquiry and establishing the relationship by the claimant with those having a caste or a Tribe Validity Certificate is

¹ 2023 SCC Online SC 326

specifically focused upon.

9. When the Respondent No.2-Committee did not find the relationship with Umme Aiman and Namira Khanun Abdul Hamid Khan (Petitioners) in Writ Petition (ST) No.21461/2019 to be disputable, the law laid down by this Court in ***Apoorva D/O Vinay Nichale versus Divisional Caste Certificate Scrutiny Committee No.1 and Others***² should have been followed by the Committee and it could not have ignored the validity certificate granted to the cousin sisters Umme Aiman and Namira Khanun Abdul Hamid Khan.

It is not the case of the Respondent No.2 that the Caste Certificate of Umme Aiman and Namira Khanun Abdul Hamid Khan has been subsequently invalidated and no material in that regard is placed before us.

10. In light of the above position of law emerging before us, the reasons assigned in the impugned decision by the Respondent No.2 in validating the Caste Certificate of the Petitioner are erroneous and as such liable to be interfered with.

11. In view of the above and considering the judgment of the Supreme Court in *Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti versus State of Maharashtra and Others (Supra)* and of this Court in *Apoorva D/O Vinay Nichale versus Divisional Caste Certificate Scrutiny Committee No.1 and Others (Supra)* and the caste validity certificate issued to Umme Aiman and Abdul Mukit, the petition is allowed.

² 2010 SCC Online Bom 1053

The impugned order dated 02.09.2024 passed by the Respondent No.2 is quashed and set aside.

The Respondent No.2 is directed to issue “Muslim Tadvi” Scheduled Tribe Certificate to the Petitioner within a period of six weeks from today.

12. Rule is made absolute in the above terms, with no orders as to costs.

[ASHWIN D. BHOBE, J.]

[BHARATI DANGRE J.]