IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4102 OF 2026

Shashikant S/o Vaijnath Suryawanshi,
Age : 29 years, Occu. Education,
R/o. : Kulswamini Nagar, Mali Chowk,
Ambajogai, Tq. Ambajogai,
Dist. Beed. .. Petitioner

Versus

1. The State of Maharashtra,
Through Secretary, Tribal Development
Department, Mantralaya, Mumbai.

2. The Schedule Tribe Certificate
Verification Committee, Chh. Sambhajinagar – 1
Thorugh its Deputy Director [R],
Dist. Chh. Sambhajinagar.

3. The Schedule Tribe Certificate
Verification Committee, Chh. Sambhajinagar – 2
Through its Deputy Director [R]
Dist. Chh. Sambhajinagar. .. Respondents

Mr. S. M. Vibhute, Advocate for the Petitioner.
Mr. S. R. Yadav-Lonikar, AGP for Respondent Nos. 1 to 3.

CORAM : KISHORE C. SANT AND
JITENDRA JAIN, JJ.

Date on which reserved for order : 23rd October, 2026.

Date on which order pronounced : 28th October, 2026.

FINAL ORDER *(PER KISHORE C. SANT, J.)* :-

1. The petitioner has approached this Court challenging

judgment and order passed by respondent No. 2 – Scrutiny Committee thereby invalidating the tribe claim of the petitioner as belonging to a Scheduled Tribe namely 'Koli Mahadev'. The impugned judgment is dated 04.08.2021, which is stated to have been received on 30.09.2025.

2. The facts in short as stated in the petition, giving rise to the petition are as below :

3. The petitioner had submitted the tribe claim for verification proceeding before respondent No. 2- Committee on 25.11.2014. The Committee cancelled the said tribe certificate on technical ground that the competent authority from which the certificate was obtained had no territorial jurisdiction. The said order was challenged before this Court by filing Writ Petition No. 9925/2014. This Court by order dated 11.11.2014 set aside the committee's order on the ground that there was violation of principles of natural justice. The case was remanded back to the committee for fresh decision. In the meantime, The petitioner was admitted to the M.B.B.S. course at Government Medical College, Akola in the academic year 2015-16 against the seat reserved for a person belonging to Scheduled Tribe. Since the college was insisting upon validity certificate the petitioner filed Writ Petition

No. 2260/2016 before this Court. This Court by way of interim order dated 25.02.2016 directed not to take coercive action on the ground of non submission of caste validity certificate.

4. The petitioner thereafter completed M.B.B.S. course and internship in the year 2021. However, the internship completion certificate and other documents were not returned by the University as the validity certificate was not produced by the petitioner. Therefore, one more petition was filed bearing Writ Petition No. 6384/2021 seeking necessary directions. This Court directed to issue necessary certificate by its order. However, the final degree certificate of M.B.B.S. course was not issued since no validity certificate was submitted. The petitioner now has to appear for NEET-PG examination from S.T. category and therefore needs a certificate. However, his validity claim is rejected. Therefore, the petitioner has approached this Court.

5. It is stated that though the claim is invalidated on 14.08.2021 it was not within the knowledge of the petitioner. It is only when he approached this Court seeking direction to the Committee to decide the claim at the earliest in that writ petition the learned A.G.P. pointed out that the claim is already decided on

14.08.2021. It is thereafter the petitioner approached the committee and applied for copy of the judgment which is now given to him. This Court in Writ Petition No. 12031/2025 directed to supply copy of the judgment and order. It is thus after obtaining the copy of the judgment, the petitioner has approached this Court challenging the said judgment.

6. Learned advocate Mr. Vibhute for the petitioner vehemently submitted that the father of the petitioner is possessing validity certificate and still the claim of the petitioner is refused by the committee. The vigilance cell had submitted a report which favours the petitioner. However, still it is not considered properly. There was oldest entry produced of grandfather of the petitioner whose caste is shown to be 'Koli Mahadev' in the school record. The copy of extract of school record is submitted showing the date of admission to be 10.09.1937, still that is not considered though it is a pre-independence document. This very entry is considered while deciding the claim of the father. In the said inquiry, this entry is taken to be valid. However, while deciding the claim of the petitioner, the said entry is not believed recording that the said entry appears to be fabricated. There cannot be two different

conclusions drawn on the basis of the same entry. So far as contra entries are concerned, he submits that, these contra entries were there even when his father's claim was decided. He thus submits that now there is a validity in the name of father and at the same time the claim of the petitioner in invalidated.

7. The learned advocate relied upon the judgment in the case of ***Apoorva d/o Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No. 1 and others***[1]. He also relied upon the judgment in the case of ***Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and others***[2]. He further relied upon the judgment in Writ Petition No. 12787/2025 (Kolhapur Bench) in the case of ***Manthan Vikas Adhatrao Vs. The State of Maharashtra and Others.*** He thus submitted that, clearly a case is made out to allow the petition by quashing and setting aside the impugned judgment and order.

8. The learned A.G.P. Mr. Yadav-Lonikar vehemently opposes the petition. He submitted that the committee has already taken a decision to issue show cause notice to father of the petitioner as to why his caste validity certificate should not be cancelled. He

1 2010(6) Mh.L.J. 401.
2 (2023) 2 Mh.L.J. 785.

submitted that the committee has considered all the entries on the basis of documents given by the petitioner. From the documents it is clearly seen that even the caste of father in the school register is shown to be Koli. The said entry is of 28.06.1973. All other entries are of recent origin and those are rightly not considered. Even in the case of one Sunil Kalyan Suryawanshi who was applicant No. 4 in the same proceeding of the petitioner, in the school leaving certificate is recorded a caste of said Sunil only as Koli. The said certificate is of 11.07.1975. There is no explanation given about these contra entries.

9. So far as entry in the name of grandfather is concerned, he submitted that, when father's validity claim was considered the vigilance cell had conducted an inquiry in casual manner. The entry in the school register in the name of grandfather is clearly taken much after. That entry stands at serial no. 21. He pointed out from the original file that the entry no. 21 is seen in different handwriting and in different ink and letters on the first page at the bottom. It is clearly seen that there is one another entry, entry no. 21 which is on the next page of the register which is again in the same handwriting and same ink as of entries nos. 1 to 20 on

the first page and entry no. 21 onwards on the second page. He submitted that though the entries are in Urdu the serial numbers at the right side are given subsequently by the school authorities. He submitted that this extract is certified by the Headmaster and therefore, needs to be believed. He further submitted that father's certificate was issued by the committee headed by one Mr. V. S. Patil against whom several complaints were received and the Government had taken decision to hold an inquiry into all the certificates issued by the committee headed by Mr. V. S. Patil. He thus submitted that the petition deserves to be dismissed.

10. In rejoinder, learned advocate Mr. Vibhute submitted that, the entry which is alleged to be fabricated is already considered in the case of father. The Committee cannot take two different views about the same entry in two different proceedings.

11. This Court has heard the parties. It is seen from the judgment of the committee that the committee has considered the entry in the name of grandfather of the petitioner being the oldest entry of pre-independence era. The committee also considered the contra entries in the name of Sunil i.e. applicant No. 4 and the entry in the name of father. There is no explanation offered by the

learned advocate for the petitioner so far as contra entries are concerned. This Court has personally verified the said entry from colour scanned copy in the original file. The copies of both the pages from the school register are produced in the file. It is clearly seen that entry no. 21 is fabricated later on. The handwriting is clearly appearing to be different. The ink is also different. The ink of entry no. 21 is smudged. This entry is rightly considered as fabricated by the committee. This Court does not find any error in the said findings.

12. So far as contra entries are concerned, there is no reason given by the petitioner as to why those contra entries are taken. No any cogent reason is given as to why such entries were wrongly taken if at all those are wrongly taken. The school record of Primary School, Aleshwar is also in the file where the entry in the name of Kalyan Trimbakrao Suryawanshi is only shown as Hindu (Backward) who happens to be in relation of the petitioner. The entries in the name of Laxman Baburao Suryawanshi and Sampati Somnath Suryawanshi it is endorsed by the Headmaster of the school that the word ‘Mahadev’ is added in different ink in the caste column. The committee also considered the Khasara Patrak.

13. The petitioner has relied upon paragraph Nos. 10 and 11 of the judgment in the case of ***Manthan Vikas Adhatrao Vs. The State of Maharashtra and others*** (supra), wherein this Court considered the judgment in the case of ***Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti*** (supra) and the judgment in the case of ***Anand Vs. Committee for Scrutiny and Verification of Tribe Claims & Ors***[3]. The Court also considered the judgment in the case of ***Sayanna Vs. State of Maharashtra***[4]. By considering these judgments the writ petition of the petitioner therein was allowed directing the committee to issue tribe validity certificate to the petitioner therein. In the said case, however, it was found that there was one entry in the name of paternal ancestor on 23.09.1936 where caste shown was 'Mahadev Koli'. In the school leaving certificate of one paternal relative also the caste was shown to be 'Hindu Mahadev Koli'. The date of birth was shown to be 19.07.1943. In the name of another close paternal relative also the caste was shown to be 'Mahadev Koli' and the date of birth was shown to be 11.06.1942. The said judgment is thus not applicable in the present case.

14. So far as judgment in the case of ***Sayanna*** (supra) is concerned, the Hon'ble Apex Court has held that the interpolation

3 2012 (1) SCC 113.
4 2010 (1) ALL MR 957 (SC).

or fabrication in public record cannot be readily inferred on mere conjecture or visual impression as to ink, handwriting etc. In that case the committee had merely relied upon the opinion of the Inspector about the interpolation and fabrication. There was no document to certify the said document to be fabricated or there was any interpolation. In the present case, the Headmaster has certified that the entry in the name of grandfather is in different handwriting and in different ink and inserted subsequently without any authority and without following any procedure. This Court has also considered the said entry. From the colour copy of the register it is clearly seen that the entry is interpolated. Thus, no other conclusion is possible. So far as judgment in the case ***Apoorva d/o Vinay Nichale*** (supra) is concerned, in the said judgment this Court held that when there is a validity granted to near blood relative from the paternal side then in normal course validity should not be refused to a claimant. In the said judgment the Court considered the judgment in the case of ***K.D. Sharam Vs. Steel Authority of India Ltd***[5]***.*** The Court also considered the judgment in the case of ***A. V. Papayya Sastry Vs. Government of A.P.*** [6] Paragraph No. 22 of the said judgment which reads as

5 (2008) 12 SCC 481.
6 (2007) 4 SCC 221.

under :

> "22. It is thus settled proposition of law that a judgment, decree or order obtained by playing fraud on the Court, tribunal or authority is a nullity and non est in the eye of the law. Such a judgment, decree or order by the first Court or by the final Court has to be treated as nullity by every Court, superior or inferior. It can be challenged in any Court, at any time, in appeal, revision, writ or even in collateral proceedings."

15. Thus, when even in the case of ***Apoorva d/o Vinay Nichale*** (supra) it is held that when there is a case of fraud made out then in such cases validity cannot be issued.

16. Learned A.G.P. relied upon the judgment in the case of ***Nanda d/o Yadavrao Shankhpale Vs. State of Maharashtra and others***[7].

17. This Court has thus considered the judgments. The Court has already discussed about the factual aspects and the observations of the committee. This Court does not find any fault with the observations made and the findings recorded by the committee. The committee has rightly considered that the entry in the name of grandfather is clearly a fabricated entry and has rightly disbelieved the same. Because the said entry is relied in the case of father is no reason to perpetuate the illegality. No party

7 (2008) 1 Mah LJ 581.

can use the fraudulent entries. Once it is pointed out and is noticed by the committee that the entry is fraudulent the committee is bound to come to its own conclusion independently. When truth is revealed no forum can be prevented from coming to proper conclusion only by saying that in earlier proceeding the said entry was not doubted. There may be a case that a fraud was not detected or noticed at that time for various reasons. Coming to truth or reaching to truth is a continuous process. It cannot be stalled merely by saying that in the past it was not noticed by the authorities at the relevant time.

18. Considering above, this Court finds that, when the committee has specifically formed the opinion that the entry is fabricated it is free to come to that conclusion. Even in the case of father the committee has now decided to issue notice as to why his claim proceeding shall not be re-opened.

19. Considering all above, this Court finds that, no case is made out to quash and set aside the judgment and order of the committee. There is no merit in the petition. The writ petition stands dismissed.

(JITENDRA JAIN, J.) **(KISHORE C. SANT, J.)**

P.S.B.