IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition No. 15530 of 2023

Parth Sandeep Gawali and anr. … Petitioners
V/s.
The State of Maharashtra and anr. … Respondents.

Mr. R.K. Mendadkar, Advocate a/w. Siddhant Sawai, Prajakta Pashte for the Petitioners.

Mrs. P.J.Gavhane, AGP for the Respondents-State.

CORAM : M.S. KARNIK &
S.M. MODAK, JJ.

DATE : 8th January 2026.

P.C. :

Heard learned counsel for the Petitioners.

LATA SUNIL PANJWANI
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2. The Petitioners' caste claim as belonging to Koli Mahadev Scheduled Tribe is invalidated by the impugned order dated 21st October 2022 passed by Respondent No.2 – Scheduled Tribe Certificate Scrutiny Committee. The caste claim is invalidated on the ground that there has been material suppression of facts on behalf of the Petitioners while making the claim for grant of caste validity certificate. The learned counsel for the Petitioners relied upon the caste validity certificate issued by the Petitioners' father as belonging to Hindu Mahadev Scheduled Tribe which is at page-81

of the paper-book and also caste validity certificates issued to the close blood relatives of the Petitioner in support of his case.

3. The learned AGP, on the other hand, vehemently opposed the petition. It is submitted that there is material suppression on behalf of the Petitioners and, therefore, for the reasons mentioned in the impugned order, the caste claim has been rejected. Moreover, it is submitted that the reliance placed by the Petitioners on the caste validity certificates of his close blood relatives is hardly of any consequence as the Committee has issued show-cause notices to the close blood relatives on various grounds including that the same has been obtained by suppression of material facts.

4. We have perused the decision of the Hon'ble Supreme Court in *Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti v/s. State of Maharashtra*[1]. Para-24 of the decision reads thus:

> "24. We can also contemplate one more scenario which is found in many cases. These are the cases where the applicant relies upon caste validity certificates issued to his blood relatives. Obviously, such a validity certificate has to be issued either by the Scrutiny Committee constituted in terms of the directions issued in Madhuri Patil case or constituted under the Rules framed under the 2000 Act. In such a case, firstly, the Scrutiny Committee must ascertain whether the certificate is genuine. Secondly, the Scrutiny Committee will have to decide whether the applicant has established that the

1 (2023) 16 SCC 415

> person to whom the validity certificate relied upon by him ha been issued is his blood relative. For that purpose, the applicant must establish his precise and exact relationship with the person to whom the validity certificate has been granted. Moreover, an enquiry will have to be made by the Scrutiny Committee whether the validity certificate has been granted to the blood relative of the applicant by the Scrutiny Committee concerned after holding due enquiry and following due procedure."

5. We have also perused the decision of this Court in the case of *Apoorva d/o. Vinay Nichale v/s. Divisional Caste Certificate Scrutiny Committee No.1 and others*[2]. Para-4 reads as under:

> "4. We have considered the matter and we are of the view that the petitioner's caste claim that she belongs to Kanjar Bhat-Nomadic Tribe ought to have been accepted by the Committee merely on the basis that identical caste claim of her sister that she belongs to Kanjar Bhat has been allowed by the Committee, even apart from the Government Resolution. We are of the opinion that the guidelines provided by the said Govt. Resolution are sound and based on sound principles. It would indeed be chaotic otherwise. If the relationship by blood is established or not doubted, and one such relative has been confirmed as belonging to a particular caste, there is no reason why

2 2010 (6) Mh.L.J. 401

> public time or money should be spent in the committee testing the same evidence and making the same conclusion unless of course the Committee finds on the evidence that the validity of the certificate of such relation has been obtained by fraud."

6. In such view of the matter, as close blood relatives of the Petitioners have been issued the caste validity certificate and as from the record we find that the Petitioner's father has also been issued with the caste validity certificate as belonging to the Mahadev Koli Scheduled Tribe, in our view, even the Petitioner is entitled to have his caste claim validated.

7. No doubt, the Scrutiny Committee has issued show-cause notice to the close blood relatives of the Petitioner for cancelling caste validity certificate issued to the close blood relatives. The Committee is at liberty to take the show-cause notices to the logical conclusion in accordance with law. Should any adverse orders be passed against the close blood relatives in respect of the show-cause notice so issued, similar consequences will flow even so far as the caste validity certificate issued to the Petitioner is concerned. However, till such time the caste validity certificates of the close blood relatives are valid, there is no reason to deny the same benefit to the Petitioner.

8. The Petition, therefore, succeeds. The impugned order is

quashed and set aside. The Respondent No.2-Committee is directed to issue caste validity certificate in favour of the Petitioners as belonging to Hindu Koli Mahadev Scheduled Tribe within a period of six weeks from today which shall be subject to the outcome of the show-cause notice issued to the close blood relatives of the Petitioners. Liberty of the Committee to take appropriate action, if the occasion so arises, is kept open.

9. Writ Petition is disposed of.

(S.M.MODAK,J.) (M.S.KARNIK, J.)