IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11527 OF 2026

TRUSHA TUSHAR MOHITE
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Dev Arun Chavan & Anr. .. Petitioners

Versus

State of Maharashtra and Ors. .. Respondents

Mr.R.K.Mendadkar a/w Ms.Priyanka Shah, Advocate for the Petitioner.

Mr.N.C.Walimbe, Addl.G.P. a/w Ms.Vaishali S. Nimbalkar, A.G.P. for the Respondent State.

Mr.Prasad B. Kulkarni, Advocate for the Respondent No.4

Mr.Arun Pednekar, Asst. Law Officer, present in Court

CORAM: R. I. CHAGLA &
FIRDOSH P. POONIWALLA, JJ.
DATE: OCTOBER 13, 2026

P. C.

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

2. By this Writ Petition, the Petitioners are seeking quashing and setting aside the common impugned order dated 20th May 2026 passed by

Respondent No.2 Scrutiny Committee with further directions to issue certificates of validity to the Petitioners in such time limit as this Court deems fit and proper in the larger interest of justice. The Petitioners have sought a declaration that they belong to Koli Mahadev tribe which is recognised as a Scheduled Tribe at Entry no.29 of the Second Schedule, Part IX, appended to the SC/ST Orders (Amendment) Act, 1976.

3. The Petitioners had sought the verification of their Caste Certificate and for issuance of Certificate of Validity before the Respondent No.2 Scrutiny Committee. Since the result of the second BPTH examination was not declared by the Respondent No.3 University, the Petitioners filed Writ Petition No.4636 of 2026. It is pertinent to note that the results had been withheld by the Respondent No.4 University. Writ Petition No.4636 of 2026 had been called for admission on 30th April 2026 and this Court, after hearing the parties, directed Petitioner No.1 to remain present for hearing before the Scrutiny Committee on 4th May 2026, at 11.00 a.m., with directions to tender written notes of submission etc.

4. Respondent No.2 Scrutiny Committee conducted an enquiry through the Vigilance Cell and Petitioner No.1 was directed to file a Reply to

the Enquiry Report. Petitioner No.1 appeared before Respondent No.2 Scrutiny Committee on the stipulated date, i.e. 4th May 2026, when he pointed out the merits of the case of the Petitioner. Respondent No.2 Committee, upon hearing the Petitioner No.1, closed the case of the Petitioner for orders.

5. It is the Petitioner No.2's case that she was not heard in the matter. Respondent No.2 Scrutiny Committee merely heard Petitioner's father and after hearing held on 7th May 2026, Respondent No.2 Scrutiny Committee passed the impugned Order dated 20th May 2026 invalidating the tribe claim of the Petitioners. Petitioner No.2 claims to have not been aware of the proceedings before the Scrutiny Committee. Accordingly, the present Writ Petition has been filed.

6. Mr.Mendadkar, the learned counsel for the Petitioners, has submitted that the Respondent No.2 has overlooked the Caste Validity Certificates having been issued in favour of the Petitioners' paternal blood relatives i.e. father Arun Atmaram Chavan, Uncle Uday Atmaram Chavan, first cousin sister Prarthana Uday Chavan and Uncle Jagdish Ghanshyam Chavan. He submitted that the Caste Validity Certificates having been issued in favour

of the paternal relatives of the Petitioners, were required to be taken into consideration by the Respondent No.2 Scrutiny Committee, and for which he has placed reliance upon the decision of this Court in **Nupur Prashant Surve vs The State of Maharashtra and Anr. In Writ Petition No.10954 of 2026 dated 31st August 2026**. Mr.Mendadkar submitted that the Caste Validity Certificates were issued in favour of the Petitioners' paternal blood relatives after conducting of an enquiry by the Vigilance Committee and by a speaking Order along with reasons passed by the Scrutiny Committee.

7. Mr.Mendadkar submitted that this Court in **Smt.Shilpa Jay Wagh vs. State of Maharashtra and Ors. in Writ Petition No.18841 of 2024 dated 17th February 2026** held that where the Petitioners' relatives have been granted Caste Validity Certificate and the Petitioner's Caste Validity Claim has been opposed on the ground of merely issuing Show Cause Notices, alleging fraud, the same would not suffice.

8. This has also been held in the prior decision of this Court in **Shweta Balaji Isankar vs. The State of Maharashtra in 2018 SCC OnLine Bom 10363** following the decision of the Supreme Court. **Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti vs. State of Maharashtra and Ors. In 2023 16 SCC 415** wherein it was held that where Validity Certificate has been

issued to the paternal blood relatives, they are required to be taken into consideration by the Scrutiny Committee.

9. Mr.Mendadkar submitted that the sole ground for non consideration of the Caste Validity Certificate issued to the paternal blood relatives of the Petitioners is that the Respondent No.2 Scrutiny Committee has issued Show Cause Notice in respect of the Validity Certificates issued to the Petitioner's paternal blood relatives alleging fraud. He submitted that, in view of the consistent line of cases of this Court, including **Nupur Prashant Surve (Supra),** it is not open to raise the said ground for disregarding the Caste Validity Certificate issued to the paternal blood relatives.

10. Mr.Mendadkar submitted that, accordingly, the present Petition is required to be allowed following the aforesaid decisions of this Court and the Supreme Court in **Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti (Supra).** He submitted that, in view of the Caste Validity Certificates having been issued to the paternal blood relatives imposing condition by this Court, similar condition can be imposed viz. that if any of the validity holders on whom the Petitioners before the Court have relied upon for claiming validity, suffer invalidation in reopened cases, the Respondent No.2 Scrutiny

Committee would be at liberty to reopen the Petitioner's case as well. Further, the consequences suffered by those candidates whose claims are invalidated (after reopening of the case) would befall on the Petitioners as well.

11. Mr.Walimbe, the learned A.G.P. for Respondent Nos.1 and 2 Scrutiny Committee has placed reliance upon the Affidavit in Reply filed on behalf of the Respondent No.2 Scrutiny Committee. He submitted that there is inconsistency in the Petitioners' case as there are blood relatives of the Petitioner having the caste 'Koli' and 'Hindu Koli'. He submitted that the documents relied upon by the Petitioner cannot be accepted in view of the entries being in different hand writing and different ink is used as well as overwritting. He has submitted that in respect of the persons whose Caste Certificates have been validated, Show Cause Notices have been issued to the validity holders and the Show Cause Notices will be taken to their logical conclusion. He further submitted that the documents produced on record by the Petitioners are of recent origin and the Petitioners' claim to be belonging to Koli Mahadev Tribe should be supported by cogent documentary evidence on record.

12. Mr.Walimbe submitted that, in the event this Court is inclined to allow the Petition, the aforesaid condition imposed by this Court in **Nupur Prashant Surve (Supra),** namely that if any of the validity holders, on whom the Petitioner before this Court has relied upon for claiming validity, suffer invalidation in the reopened cases, the Respondent No.2 Scrutiny Committee would be at liberty to reopen the Petitioners case as well, and consequences suffered by those candidates whose claims are invalidated (after reopening of the case) would also apply to the Petitioner as well.

13. We have considered the submissions. It has been laid down in **Nupur Prashant Surve (Supra),** that where the Petitioner's blood relatives have been granted Caste Validity Certificates, and the Petitioner's caste validity claim is being opposed on the ground of Show Cause Notices alleging fraud having been issued to the Petitioner's blood relatives, this would not suffice to refuse grant of Validity Certificate to the Petitioner.

14. The Supreme Court in **Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti (Supra)** has held that a Caste Validity Certificate issued to the Petitioner's blood relatives is required to be taken into consideration by

the Scrutiny Committee and cannot be disregarded until these Orders are set aside by the appropriate forum.

15. The Petitioners have placed reliance upon four paternal blood relatives whose Caste Validity Certificates have been issued several years back pursuant to the Orders passed by the Scrutiny Committee and which Orders have till date not been disturbed.

16. Further, it is pertinent to note that the Orders were passed by the Scrutiny Committee after conducting due vigilance enquiry and pursuant to which the Caste Validity of the Petitioner's paternal blood relatives have been established. In that view of the matter, we do not find any merit in the opposition of the present Petition on the ground that show cause notices have been issued in respect of the paternal blood relatives who have been granted caste validity certificates and which show cause notices have alleged fraud. One of the documents relied upon by the Petitioners, namely School record, having been overwritten or in different ink, would not give rise to the Scrutiny Committee overlooking the paternal blood relatives having been issued Caste Validity Certificates after due enquiry by the Vigilance Committee. Further, the reference of Koli and Hindu Koli in some of the

paternal blood relatives entries also cannot override the fact that Caste Validity Certificates have been issued to the paternal blood relatives. In that view of the matter, we allow the present Petition by setting aside the impugned order dated 20th May 2026 passed by Respondent No.2 Scrutiny Committee (incorrectly referred to as 23rd July 2026 in prayer (a) of the Petition which the Petitioner has sought leave to correct and which shall be corrected forthwith).

17. We further declare that the Petitioners belong to the Koli Mahadev tribe, which is recognised as Scheduled Tribe at Entry no.29 of the Second Schedule, Part IX appended to the SC/ST Orders (Amendment) Act, 1976 and Respondent No.2 is directed to issue Certificate of Validity to the Petitioners within a period of three weeks from the date of uploading of this Order. It is made clear that if any of the validity holders on whom the Petitioner before this Court has relied upon for claiming validity, suffer invalidation in the reopened cases, Respondent No.2 Scrutiny Committee would be at liberty to reopen the Petitioner's case as well, and consequences suffered by those candidates whose claims are invalidated (after reopening of the case) would also apply to the Petitioner as well.

18. Writ Petition is disposed of in the above terms.

19. However, there shall be no order as to costs.

[FIRDOSH P. POONIWALLA, J.] [R. I. CHAGLA, J.]