*Kavita S. J.*

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO. 1743 OF 2020**

**Yogesh Balasaheb Ballal & Anr., …Petitioners**

***Versus***

**State of Maharashtra & Ors. …Respondents**

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Mr. Sahil Chaudhari for the Petitioners.

Mr. N.C. Walimbe, Addl. GP a/w Mr. Sachin H. Kamkal, AGP for Respondent - State.

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**CORAM : R.I. CHAGLA AND**
**FIRDOSH P. POONIWALLA, JJ.**

**DATE : 12th OCTOBER, 2026.**

**ORDER :**

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

2. By this Writ Petition, the Petitioner is seeking setting aside of the impugned Order dated 13th August 2018 passed by the Respondent No.1 - Scheduled Tribes Caste Certificate Scrutiny Committee at Nashik (for short "Scrutiny Committee") and consequentially allowing the claim of Caste Validity of the Petitioners.

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3. The Petitioners were issued Caste Certificates by the Competent Authority on 12th May, 2014 certifying that they belong to the Koli Mahadev Scheduled Tribe.

4. Petitioner No.1 submitted his claim for verification of his Schedule Tribe Case Certificate before Respondent No.1 – Scrutiny Committee on 15th February, 2016.

5. Petitioner No.2 submitted her claim for verification of her Caste Certificate before Respondent No.1 - Scrutiny Committee. The paternal cousin brother of the Petitioners viz. Aditya Kalyan Ballal also filed a claim for verification of his Caste Certificate before Respondent No. 1 - Scrutiny Committee on 4th January, 2018. Respondent No.1 - Scrutiny Committee upon conducting vigilance inquiry in case of Petitioner No.1 which was also adopted for Petitioner No. 2 and Aditya Kalyan Ballal passed a common order (impugned order) dated 13th August, 2019 invalidating the Scheduled Tribe claims of Petition No.1, Petition No.2 and Aditya Kalyan Ballal.

6. The Respondent No.1 - Scrutiny Committee issued a Show Cause Notice to the father of Aditya Kalyan Ballal viz. Kalyan

Yashwant Ballal, who had been issued a Tribe Validity Certificate dated 21st October, 2008 concerning the Validity of his Caste Certificate.

7. The Petitioners along with Aditya Kalyan Ballal filed a Civil Petition No. 9110 of 2019 challenging the impugned order of invalidation dated 13th August, 2019.

8. This Court in the Writ Petition No. 9110 of 2019, quashed and set aside the impugned order and directed that admission secured by the Petitioners on the basis of their Caste Certificates be treated as legal and valid.

9. Thereafter this Court passed a reasoned order dated 27th August, 2019 modifying its earlier operative order dated 21st August, 2019. The present Petitioners, who were original Petitioner Nos. 1 and 2 in Writ Petition No. 9110 of 2019 sought permission to withdraw themselves from the Writ Petition with liberty to adopt appropriate proceedings. Regarding Aditya Kalyan Ballal, this Court directed that his Caste Validity Certificate be issued, subject to the outcome of the pending Show Cause Notice proceedings concerning the Validity Certificate of his father viz. Kalyan Yashwant Ballal.

10. In compliance with the Order dated 27th August, 2019. Respondent No.1 - Scrutiny Committee issued Caste Validity certificate to Aditya Kalyan Ballal on 28th August 2019, subject to the outcome of the Show Cause proceedings concerning his father Kalyan Yashwant Ballal's Validity Certificate.

11. Kalyan Yashwant Balal passed away on 21st March, 2022 as evidenced by his Death Certificate. It is pertinent to note that the Validity Certificate granted to the said Kalyan Yashwant Balal still holds the field and has not been recalled.

12. Mr. Chaudhari, the learned Counsel appearing for the Petitioner, has submitted that in view of the Caste Validity Claim of Aditya Kalyan Ballal having been established before this Court and the Caste Validity Certificate directed to be issued by setting aside the common impugned order of the Scrutiny Committee, the Petitioners claim for Caste Validity also requires to be allowed and Validity Certificate issued. He has submitted that this Court vide Order dated 27th August, 2019 in directing issuance of Validity Certificate to Aditya Kalyan Ballal made it subject to the outcome of the Show Cause proceedings concerning his father Kalyan Yashwant Balall's

Validity Certificate.

13. Mr. Chaudhari has submitted that in view of the demise of Kalyan Yashwant Ballal, the Show Cause proceedings concerning his Validity Certificate cannot be proceeded with and would stand abated. He has submitted that in the absence of any final order passed by the Scrutiny Committee cancelling Kalyan Yashwant Ballal's Validity Certificate by arriving at a conclusive finding of fraud, the mere issuance of Show Cause Notice cannot extinguish his Validity Certificate.

14. Mr. Chaudhari has submitted that the present Petition deserves to be allowed and the Petitioners be granted Validity Certificates on the same terms and conditions as their paternal cousin brother / blood relative Aditya Kalyan Ballal had been granted. He has submitted that the present Petitioners ought not to be subjected to a different standard of treatment particularly in view of the impugned order having been set aside in Aditya Kalyan Ballal's Petition.

15. Mr. Walimbe, learned Addl. GP appearing for the Respondent No.1 - Scrutiny Committee, has supported the impugned

order. He has submitted that in the event this Court is inclined to set aside the impugned order as it had done in the Aditya Kalyan Ballal Petition, in view of the demise of the father of Aditya Kalyan Ballal viz. Kalyan Yashwant Ballal, the Scrutiny Committee may be at liberty to join the legal heirs of Kalyan Yashwant Ballal viz. Aditya Kalyan Ballal and Madhavi Kalyan Ballal, in the Show Cause proceedings. He has submitted that the same condition which had been imposed in the Order dated 27th August 2019 passed in that Petition, viz. that Certificate of Validity issued to Aditya Kalyan Ballal shall be subject to the outcome of the pending Show Cause proceedings in relation to his father, Kalyan Yashwant Ballal should be imposed on the present Petitioners.

16. Having considered the submissions, it is pertinent to note that the very same impugned Order dated 13th August 2019, which was a common impugned order against Aditya Kalyan Balal and the present Petitioners invalidating their Caste Certificates, has been set aside in the Aditya Kalyan Ballal Petition and liberty had been granted to the present Petitioners to withdraw themselves from the common Petition (filed by the present Petitioners along with Aditya Kalyan Ballal) viz. Petition No. 9110 of 2019 and liberty granted to

the present Petitioners to take out appropriate proceedings. The present Petition is the appropriate proceeding taken out by the present Petitioners.

17. Accordingly, the impugned order passed by the Respondent No. 1 - Scrutiny Committee is set aside against the Petitioners on the same terms as has been set aside against Aditya Kalyan Ballal vide Order dated 27th August 2019.

18. Further, the Validity Certificate as had been directed to be issued to Aditya Kalyan Ballal vide the said Order dated 27th August 2019 shall be issued by the Scrutiny Committee to the present Petitioners within a period of two weeks from uploading of this order on the same condition as had been imposed by this Court.

19. Accordingly, the Certificate of Validity issued to the present Petitioners by the Scrutiny Committee shall be subject to the pending proceedings in relation to the father of Aditya Kalyan Ballal viz. Kalyan Yashwant Ballal's Validity Certificate and in view of his demise, legal heirs Aditya Kalyan Balal and Madhavi Kalyan Ballal shall take his place in these proceedings.

20. It is further made clear that in the event the Certificate of Validity of Kalyan Yashwant Balal is cancelled, the present Petitioners cannot claim any equity and in such a case they shall be termed as deprived of their status as belonging to Mahadev Koli Scheduled Tribe.

21. The Writ Petition is disposed of in the above terms. However, there would be no orders as to costs.

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