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

WRIT PETITION NO. 2141 OF 2026

Ritesh S/o Ganesh Gaware
Age 18 years, Occu. Education
R/o H.A.L. Township, Ozar,
Taluka Niphad, District Nashik

... Petitioner

Versus

1. The State of Maharashtra
Through Secretary,
Department of Tribal Development,
Mantralaya, Mumbai 32.

2. Scheduled Tribes Certificate
Scrutiny Committee,
Through its Member Secretary,
Nashik Division, Nashik,
Dist. Nashik.

.... Respondents

Mr. Sahil Choudhari a/w Mr. Deepak Choudhari, for the Petitioner.
Ms. Kavita N. Solunke, Addl GP a/w Ms.R.A. Salunkhe, AGP, for
the Respondent-State.
Mr. Arun Padekar, Nashik Law Officer present.

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

DATE : 18th FEBRUARY 2026

ORAL JUDGMENT (PER M.S.KARNIK, J.) :

1. Heard learned counsel for the petitioner and learned AGP
appearing for the respondent-State.

2. The caste claim of the petitioner as belonging to 'Koli Mahadev, Scheduled Tribe' is invalidated by respondent no.2- Scheduled Tribes Certificate Scrutiny Committee, ('Scrutiny Committee', for short). Admittedly, petitioner's father – Ganesh Madhav Gaware has been issued with the certificate of validity as belonging to 'Koli Mahadev, Scheduled Tribe' on 16/05/2008. Learned AGP submits that a show cause notice has been issued to the petitioner's father as to why certificate of validity should not be cancelled/revoked.

3. The certificate of validity is granted to the petitioner's father after conducting vigilance cell enquiry. The Scrutiny Committee while invalidating the caste claim of the petitioner has discarded the validity certificate of the petitioner's father on the ground that the same was granted without considering the record obtained for the present case. In our view, this could not have been the reason to discard the certificate of validity granted to the petitioner's father which is valid and subsisting. The show cause notice which is issued will obviously be taken to its logical conclusion. Mere issuance of a show cause notice cannot be a ground to deny the certificate of validity to the petitioner as any

decision in respect of show cause notice will obviously bind the petitioner as well.

4. The decision of the Hon'ble Supreme Court in **Maharashtra Adiwasī Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and ors.**¹ and decision of this Court in **Apoorva d/o Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1 and others**² support the petitioner's case. The relationship of the petitioner with his father is not disputed. The validity certificate was issued after conducting vigilance cell enquiry. The present Scrutiny Committee is virtually re-appreciating the materials before the then Scrutiny Committee which has granted validity certificate to the petitioner's father, which approach is not correct. If the petitioner's father has been issued with the validity certificate, even the claim of the petitioner needs to be validated.

5. In this view of the matter, the writ petition is allowed. The impugned order is quashed and set aside.

6. The Scrutiny Committee is directed to issue a certificate of caste validity to the petitioner as belonging to 'Koli Mahadev, Scheduled Tribe' within a period of 6 weeks from today.

1 (2023) 16 SCC 415

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

7. The issuance of the certificate of validity to the petitioner shall obviously be subject to the outcome of the show cause notice issued to the petitioner's father and the same consequences will follow even in the petitioner's case.

8. The writ petition is disposed of.

(S.M.MODAK, J.)

(M.S.KARNIK, J.)