

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7099 OF 2013
WITH
INTERIM APPLICATION NO.146 OF 2025

SATISH
RAMCHANDRA
SANGAR

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Tara Sitaram Gangurde,
Age : 58 Years, Occupation : Nil,
Residing at : Post Mhasrul, Prathan
Nagar, Taluka and District : Nashik. **...Petitioner**

Versus

1. **State of Maharashtra**
Through its Secretary, Tribal Development
Department, Mantralaya, Mumbai : 400 032.
2. **Scheduled Tribe Certificate Scrutiny
Committee, Pune Division, Pune,**
Through its Member Secretary,
Having its Office at Nashik Division,
Nashik, Through its Office at Adivasi
Vikas Bhavan, Old Agra Road, Nashik,
District : Nashik.
3. **Black Development Officer,**
Panchayat Samiti, Dindori,
District : Nashik.
4. **Executive Magistrate,**
Kalwan, District : Nashik. **...Respondents**

Mr.Ramchandra Kenu Mendadkar a/w Ms.Jayshri Mendadkar,
Ms.Prajakta P.Pashte and Mr.Jagdish C.Kawle, Advocates for Petitioner.
Mr.N.C.Walimbe, Addl.G.P. a/w Mr.Ketan Joshi-‘B’ Panel, for
Respondents-State.
Mr.Arun Padekar – Officer – Caste Validity Committee, Nashik.

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

DATE : 21st JANUARY 2026

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

1. Heard learned counsel for the Petitioner.
2. The caste claim of the Petitioner as belonging to “*Mahadeo Koli Scheduled Tribe*” has been invalidated by the Respondent No.2–Scrutiny Committee.
3. Learned Addl.G.P. supported the order passed by the Scrutiny Committee. It is submitted by learned Addl.G.P. that the Petitioner has to independently prove her caste claim on the basis of materials on record, which she has failed to do so. It is further submitted that the Scrutiny Committee while discarding the “*Certificate of Validity*” issued to the real blood brother of the Petitioner, has done so for the reason that the real brother Madav Chandar Dhule has not produced any documents in support of the entries of her father’s school record showing his caste as “*Mahadeo Koli*”.
4. We have gone through the materials on record and the impugned order. It is not disputed that the “*Certificate of Validity*” has been issued in favour of the Petitioner’s real brother **Dilip Sitaram**

Gangurde¹ as belonging to “*Mahadeo Koli Scheduled Tribe*” on 31st December 2008 which is at Page No.62 of the paper-book. The same has been discarded for the aforesaid reasons.

5. We do not subscribe to the reasons assigned by the Scrutiny Committee. The Petitioner admittedly is a close blood relative of **Dilip Sitaram Gangurde**² being his blood brother. The relationship is not disputed. Moreover, the genuineness of the “*Validity Certificate*” is also not in dispute. Having gone through the impugned order and the Affidavit-in-Reply, it is not the stand of the Scrutiny Committee that the “*Validity Certificate*” issued to the Petitioner’s brother is without following the proper procedure or without holding an inquiry.

6. The Hon’ble Supreme Court in *Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti V/s. State of Maharashtra and Others*³ has held the following prerequisites to be fulfilled if the claimant makes a claim for grant of Certificate on the basis of “*Validity Certificate*” issued to his close blood relatives. They are:-

- (i) Whether these Validity Certificates are issued after holding due inquiry and after following due procedure and
- (ii) Secondly, whether the Validity Certificate belongs to a person who is blood relative of the Petitioner.

1 Substituted portion

2 Substituted portion

3 (2023) 16 Supreme Court Cases 415

(iii) Whether such Validity Certificate relied on is genuine.

7. Moreover, this Court in *Apoorva d/o Vinay Nichale V/s. Divisional Caste Certificate Scrutiny Committee No.1 and others*⁴ at paragraph No.4, has observed thus:-

“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 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.”

8. An additional circumstance needs to be mentioned. We have inquired with the learned Addl.G.P. as to whether any show cause notice has been issued to the Petitioner’s real brother. No such show

⁴ 2010(6) Mh.L.J. 401

cause notice has been issued for withdrawing or cancelling the “*Certificate of Validity*”. The “*Certificate of Validity*” of the Petitioner’s brother is valid. Once this is the position, the contention of the learned Addl.G.P. that the said Certificate was granted by the Scrutiny Committee without considering the school records of the father of real brother needs to be rejected. It is not for the Scrutiny Committee to review the decision making process of the then Scrutiny Committee while issuing the “*Certificate of Validity*” to the close blood relative. On the basis of the materials produced and after due inquiry and following the proper procedure, the Certificate was granted to the blood brother. This position is not controverted by the Respondents.

9. In such view of the matter, the present Petition must succeed. The impugned order is quashed and set aside. The Scrutiny Committee is directed to issue the “*Certificate of Validity*” to the Petitioner as belonging to “*Mahadeo Koli Scheduled Tribe*” within a period of six (6) weeks from today.

10. Writ Petition is, therefore, disposed of.

11. Pending Interim Applications, also stand disposed of.

(S. M. MODAK, J.)

(M. S. KARNIK, J.)