

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5869 OF 2007
WITH
INTERIM APPLICATION NO. 958 OF 2026

Suryakant Namdeo Budhwantrao
Age-42 years,
R/at- Post Yewati, Taluka Mohol,
Dist.-Solapur.

... Petitioner

Versus

1. The State of Maharashtra
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai-400 032.
2. Scheduled Tribe Scrutiny Committee,
Through its Deputy Director and member Secretary,
Pune Division, Queens Garden, Pune.
3. MSRTC
Through its General Manager (P & IR),
Having its office at Vahatuk Bhavan,
Mumbai Central, Mumbai-400 008.
4. Divisional Controller,
State Transport, Solapur.
5. Tahasildar and Executive Magistrate,
Mohol, Dist.- Solapur.

... Respondents

Mr. R. K. Mendadkar for the Petitioner.
Mr. A. I. Patel, Addl GP a/w. Mr. K. S. Thorat, 'B' Panel for the Respondents-
State.
Mr. Yashodeep P. Deshmukh a/w. Ms. Vaidehi Deshmukh (through VC) for
the Respondent-MSRTC.

CORAM : **M. S. KARNIK AND**
S. M. MODAK, JJ.
DATED : **13th FEBRUARY, 2026.**

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

1. Heard learned counsel for the Petitioner.
2. The Petitioner's caste claim as belonging to the "Koli-Mahadeo, Scheduled Tribe" has been invalidated by Respondent No.2-Committee by the impugned Order. Learned counsel for the Petitioner relied upon the genealogy which has been duly verified by the Scrutiny Committee. As per the genealogy, one Mr. Amar Audumbar Budhwantrao is shown as a cousin brother of the Petitioner from the paternal side. Such genealogy has been verified by the Scrutiny Committee and the relationship of the Petitioner and Mr. Amar Audumbar Budhwantrao is not disputed, as can be seen from the material on record.
3. Though, this Petition was filed in the year 2007, it is only by way of an additional Affidavit dated 23rd March, 2023, the Petitioner has placed on record a Certificate of Validity issued in favour of his cousin brother Mr. Amar Audumbar Budhwantrao as well as a Speaking Order passed by Respondent No.2 in his case.
4. The Petitioner is also relying upon birth extract relating to his father whose tribe is duly recorded as Mahadeo Koli belonging to Scheduled Tribe as on 29th December, 1929. Had this been the only document with the

birth extract of his father, we may have considered the remanding the matter to Scrutiny Committee to re-examine the caste claim. However, in the present case, though during the pendency of the Petition and as late as in the year 2023, the caste validity certificate of the Petitioner's cousin brother, namely, Mr. Amar Audumbar Budhwantrao has been placed on record.

5. Learned AGP opposed placing of any reliance on such certificate of validity. Learned AGP submitted that nothing prevented the Petitioner from relying upon the caste validity certificate of Mr. Amar, his cousin brother at the time of filing of the Petition as far back as in the year 2007. Further, the said certificate was also not produced before the Scrutiny Committee when the caste claim of the Petitioner was invalidated.

6. We inquired with the Petitioner the reason why such certificate of his close blood relative was not produced for the consideration of Scrutiny Committee or enclosed along with the memo of this Petition as on the date of its filing. Learned counsel submitted that it is only recently that the Petitioner came to know about such validity certificate and it is thereupon that the additional Affidavit dated 23rd March, 2023 was filed.

7. We have perused the Certificate of Validity dated 22nd November, 2011, issued in favour of Mr. Amar Audumbar Budhwantrao. We have also perused the Order dated 22nd October, 2001 of the Scrutiny Committee

which records reasons for issuing the validity. No material has been placed on record to show that the Certificate of Validity issued in favour of Mr. Amar Audumbar Budhwantrao is doubtful. We, thus, find that the Certificate of Validity issued in favour of Mr. Amar Audumbar Budhwantrao is a genuine document. Moreover, perusal of the Order dated 22nd October, 2001 passed by the Scrutiny Committee reveals that the validity is issued in favour of Mr. Amar Audumbar Budhwantrao after considering all the materials on record and the same is by a reasoned order. The same has been issued after conducting a Vigilance Cell Inquiry and upon considering the inquiry report dated 5th February, 2001. In the Order, there is a reference made to the School Leaving Certificate of the distant relative of Mr. Amar Audumbar Budhwantrao, wherein the caste is recorded as Hindu Mahadeo Koli and the document pertains to the period of 1935. This is a pre-constitutional document. Reference is made to the other documents. Thus, we find that the claim of Mr. Amar Audumbar Budhwantrao has been validated by the Scrutiny Committee by a reasoned Order and after considering all the materials on record including pre-constitutional documents.

8. The relationship of Mr. Amar Audumbar Budhwantrao and the petitioner is not in dispute. Further, the Validity Certificate was issued after conducting the Vigilance Cell Inquiry and that such certificate is

genuine document. In our opinion, the Caste Validity Certificate issued in favour of Mr. Amar Audumbar Budhwantrao should not be discarded only on the ground that it has been produced belatedly. Once it is a matter of record that the Certificate of Validity issued in favour of Mr. Amar Audumbar Budhwantrao is a genuine document, in our opinion, Mr. Amar being a close relative of the Petitioner, the Petitioner's claim for issuance of validity would be covered by the decision of the Hon'ble Supreme Court in **Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti vs. State of Maharashtra and Others¹** which has laid down the following three prerequisites in respect of a claim for granting Certificate of Validity on the basis of a Certificate of Validity already granted to a close blood relative:-

(i) The applicant must establish a clear and specific relationship with the person in whose favour the validity certificate has been issued;

(ii) The Scrutiny Committee must verify whether the validity certificate was granted to the applicant's blood relative after due enquiry and in accordance with prescribed procedure; and

(iii) The Scrutiny Committee must ascertain the genuineness of the validity certificate relied upon.

¹ (2023) 16 SCC 415

9. This Court in **Apoorva d/o Vinay Nichale vs. Divisional Caste Certificate Scrutiny Committee No.1 and others**² has in paragraph 4 held 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.”

10. Learned counsel for Respondent No.4 appeared and requested for some time. However, Respondent No.4-MSRTC is a proforma Respondent. We have heard learned AGP for the contesting Respondents.

11. For the reasons mentioned above, the impugned Order is quashed and set aside. The Petition is allowed. The Scrutiny Committee is directed to issue a Certificate of Validity to the Petitioner as belonging to Mahadeo

² 2010(6) Mh.L.J. 401

Koli Scheduled Caste within a period of six weeks from the date of communication of this Order.

12. Respondent No.4-MSRTC to release the terminal benefits and pensionary dues to the Petitioner within a period of six weeks from the date of placing the Certificate of Validity on record.

13. The Writ Petition as well as Interim Application are disposed of.

(S. M. MODAK, J.)

(M. S. KARNIK, J.)