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

WRIT PETITION NO. 2194 OF 2025

Gaurav Babasaheb Aher
Age: 20 years, Occ: Student
R/o Chalisgaon Road, Chandralok Nagari,
Kannad, Chhatrapati Sambhajnagar ... Petitioner
Versus

1. The State of Maharashtra
Social Justice and Special Assistance Department
Mantralaya, Mumbai 400 032.

2. The Scheduled Tribe Certificate
Scrutiny Committee, Nashik-2,
Through its Member Secretary and
Deputy Director having its office
at Adivasi Vikas Bhavan,
Gadkari Chowk,
Dist. Nashik Respondents

Mr. C.K. Bhangoji, for the Petitioner.
Ms. R.A. Salunkhe, AGP, for the Respondent-State.

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

DATE : 09th 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. There is no dispute that the father of the petitioner i.e. Balasheb Aher has been granted the validity certificate by respondent no. 2- The Scheduled Tribe Certificate Scrutiny Committee ('Scrutiny Committee', for short) on 10/07/2008 after calling for the Vigilance Cell report and after following due procedure. The real uncle of the petitioner- Kishor Baburao Aher has been granted a certificate of validity by respondent no.2 – Scrutiny Committee after conducting Vigilance Cell Enquiry vide report dated 26/11/2008.

3. The Scrutiny Committee has invalidated the caste claim of the petitioner by discarding the aforesaid documents on the ground that the blood relatives of the petitioner have obtained the validity certificates by suppressing material facts. Moreover the Scrutiny Committee found that there are some overwritings in the service book of the petitioner which according to the Scrutiny Committee makes the claim of the petitioner's father invalid. According to the Scrutiny Committee all these aspects have been overlooked by the then Scrutiny Committee while issuing the certificate to the close blood relatives.

4. We thus find that the validity certificate of the petitioner's father is sought to be discarded on the ground that the Scrutiny Committee that the new materials and the materials already on record are sufficient to invalidate the claim of the petitioner's father which according to the Scrutiny Committee should have been invalidated by the then Scrutiny Committee. In our opinion, the said approach of the Scrutiny Committee virtually amounts to sitting in appeal over the findings of the then Scrutiny Committee which issued the certificate of validity to petitioner's father.

5. Learned AGP submitted that a show cause notice has been issued to the petitioner's father for revocation/cancellation of the certificate of validity on 23/02/2023. Obviously, the consequences of the show cause notice shall equally apply to the petitioner's case. The certificates of validity issued to the blood relatives are genuine documents and the relationship with the petitioner is not in dispute. We make it clear that we are inclined to issue a certificate of validity to the petitioner as his close blood relatives have been issued validity certificates after following due procedure and after calling upon Vigilance Cell report. It is however made clear that if any adverse consequences result while deciding show

cause notice issued to the petitioner's father, the petitioner will also be liable to the same consequences as in case of his father and other blood relatives.

6. The petition is allowed. The impugned order is quashed and set aside.

7. 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.

8. It is made clear that certificate of validity issued to the petitioner is subject to outcome of the show cause notice issued to the petitioner's father. All contentions in that regard are kept open.

9. The writ petition is disposed of.

(S.M.MODAK, J.)

(M.S.KARNIK, J.)