



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

WRIT PETITION NO. 13663 OF 2024

Tanishq Sunil Sonawane.

... Petitioner.

Versus

The State of Maharashtra & Ors.

... Respondents.

Mr. R.K. Mendadkar, a/w. Ms. Komal Gaikwad, Ms. Priyanka Shaha,
for the Petitioner.

Mr. S.B. Kalel, AGP, for Respondent/State.

**CORAM : RAVINDRA V. GHUGE AND
ASHWIN D. BHOBE, JJ.**

DATE : 12th DECEMBER, 2024

P.C. :

1. The Petitioner has put forth prayer clauses (a) and (b), as under
:

“(a) This Hon’ble Court be pleased to issue Writ of Certiorari and or any other Writ, Order or Direction in the nature of Certiorari thereby quashing and setting aside the impugned order dated 2.9.2024 passed by the Respondent no. 2 committee, with further directions to issue caste validity certificate to the Petitioner, in the light of caste validity certificate granted to his real sister Kum. Saskshi.

(b) That this Hon’ble Court be pleased to hold and

declare that the petitioner belongs to Tokre Koli tribe which is listed at entry no. 28 of the Part IX, Second Schedule appended to the SC/ST Orders (Amendment) Act, 1976 and thus, is entitled to enjoy the benefits of scheduled tribe.”

2. By an Interim order dated 9th September, 2024, the admission of the Petitioner had been protected subject to the law laid down by the Hon’ble Supreme Court in ***Chairman and Managing Director, Food Corporation of India and others Vs. Jagdish Balaram Bahira and others, [(2017) 8 SCC 670]***.

3. The learned AGP has vehemently opposed this Petition by placing a strong reliance upon the impugned Judgment. He submits that, though the biological sister of the present Petitioner, namely Sakshi, daughter of Sunil Koli, has been granted the validity certificate of Tokre Koli Schedule Tribe, it was revealed during the investigation in the present Petitioner’s case that there was a suppression of documents and adverse entries. The Committee contemplates issuance of notice for reopening the case of Sakshi.

4. We find from the record that the relationship between the Petitioner and Sakshi, as being siblings, is not denied. Sakshi has been

granted the validity certificate. The Petitioner relies upon ***Apoorva d/o Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1 Nagpur, [AIR 2010(6) Bom.R.21]***. Vigilance cell inquiry was conducted in the case of Sakshi and validity certificate was issued based on such enquiry report.

5. In ***Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti vs. The State of Maharashtra and others, [AIR 2023 SC 1657]***, the Hon'ble Supreme Court has concluded that if a vigilance cell inquiry is conducted in the case of a candidate who has been granted a validity certificate and if the claimant before the Court is closely related by blood to such a candidate, a vigilance cell inquiry, may not be always necessary as a mandate. For specific reasons, vigilance cell inquiry can be conducted even in such cases.

6. The learned AGP submits on instructions and on the basis of the findings in the report of the present Petitioner, that the case of Sakshi will be reopened for reverification.

7. The Petitioner is a student. He has been granted admission to a professional course in view of the ad-interim order dated 9th September,

2024 passed by the earlier Bench. His biological sister has been granted a validity certificate. Because the Committee desires to reopen her case, the case of the Petitioner cannot be kept pending, in anticipation. Hence, we deem it appropriate to follow the law laid down in ***Shweta Balaji Isankar vs. The State of Maharashtra and others* [2018 SCC Online Bom 10363]** and grant conditional validity to the present Petitioner.

8. In view of the above, this **Writ Petition is partly allowed**. The impugned order is quashed and set aside. The Respondent No. 3 Committee shall issue a Conditional Tokre Koli Validity Certificate to the Petitioner within 15 days from today.

9. In view of ***Shweta Balaji Isankar(supra)***, if the case of Sakshi is reopened and if it leads to a conclusion of cancellation of the validity certificate already granted to her, the consequences suffered by Sakshi would also be-fall upon the present Petitioner.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)

ARUNA
SANDEEP
TALWALKAR

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