IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 17381 OF 2024

Shraddha Kashinath Patil & Ors. ...Petitioners

Versus

The State of Maharashtra & Ors. ...Respondents

Mr. R.K. Mendadkar a/w Ms. Komal Gaikwad, Advocate for the Petitioners..

Mr. P.P. Kakade, Addl. G.P, a/w Mr. K.S. Thorat, 'B' Panel Counsel for Respondent Nos.1 to 3/State.

CORAM : RAVINDRA V. GHUGE
&
ASHWIN D. BHOBE, JJ.

DATE : 5th DECEMBER, 2024

P.C. :-

1. In this Petition, the four Petitioners have suffered a common order dated 12th August, 2024, by which, the Competent Committee has rejected their validation claims of belonging to the 'Koli Mahadev' Schedule Tribe Category.

2. For the assistance of the Court, the learned Advocate for the Petitioners has tendered a ready reference chart (2 pages) which is marked as **'X'** for identification. By the said chart, the

details as regards to the admissions of the Petitioners in the professional courses are set out. The names of the Institutions in which they are taking Education, are also mentioned.

3. We have considered the strenuous submissions of the learned Advocate for the Petitioners and the learned AGP on behalf of the Respondents, who has vehemently opposed this Petition on the ground that while considering the cases of these Petitioners in the common impugned Judgment, the Committee has dealt with certain interpolations and the validity certificates issued to some of the relatives from the paternal side being based on forged documents. It is further submitted that the Committee contemplates issuance of notices to those two persons, who have been granted validity certificates, despite interpolation and forged documents.

4. We have perused the family tree at Page No.85 in the Petition paper book. Petitioner No.1 Shraddha, is the biological sister of Om. This siblings are biological children of Kashinath. Om has been granted validity certificate, after conducting a vigilance cell inquiry. Kashinath is said to have four biological brothers, namely Janardhan, Ramesh, Dinesh and Jagannath. All these are

from the branch of Maya Dharma Patil. Dinesh, who is the biological uncle of Petitioner No.1 and Om, has been granted a validity certificate. Petitioner Nos. 2 and 3, namely Diksha and Tanmay, are the biological children of Janardhan. They are first cousins of Om. Dinesh is the biological uncle. Petitioner No.4 is the daughter of Ramesh, who is the biological brother of Kashinath. Hence, Om is her first biological cousin.

5. Despite the adverse observations in the impugned order, the relationship of these four Petitioners with Om and Dinesh, is not denied. If the Committee has conducted a vigilance cell inquiry in the case of Om and Dinesh, and granted them the validity certificates, we are surprised as to how it can be said that these two have indulged in *"माहिती व पुरावे लपवुन जात वैधता प्रमाणपत्र मिळविले असल्याचे दिसुन येते".*

6. In the case of ***Apoorva d/o Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1 Nagpur, 2010(6) Mh.L.J.401,*** this Court has concluded that if close blood relatives from the paternal side are granted validity certificate by the Committee, the claimant cannot be denied of such certificate.

7. In the case of ***Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti vs. The State of Maharashtra and others, AIR 2023 SC 1657,*** this Court has concluded that if vigilance cell inquiry has been conducted in the case of a candidate who is granted a validity certificate, it is not mandatory that in each and every case, a vigilance cell inquiry would be necessary, if the claim is made by a very close blood relative from the paternal side.

8. The learned AGP submits on instructions that the Committee contemplates re-opening of the cases of Om and Dinesh. Show cause notices are yet to be issued. This submission reminds us of our Judgment delivered in ***Shweta Balaji Isankar vs. The State of Maharashtra and others, 2018 SCC Online Bom. 10363*****,** by which, this Court has recorded that while granting a validity certificate to the Petitioner, if any validity holder, on whose validity the Petitioner has placed reliance upon, suffers invalidation by the re-opening of his case, the same consequences would visit the Petitioner.

9. In view of the above, this **Writ Petition is partly allowed**. These Petitioners are granted conditional validity certificates of ‘Koli Mahadev’ Schedule Tribe, which would be issued by the

Competent Committee within 30 days from today. In the event, the case of Om or Dinesh is re-opened by the Committee and if they suffer an adverse order, the same consequences would be-fall upon the present Petitioners.

(ASHWIN D. BHOBE, J.) (RAVINDRA V. GHUGE, J.)