



Ingale

9-WP-15653-23.odt

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

WRIT PETITION NO. 15653 OF 2023

Harshwardhan Devidas Gangurde
aged 22 years, Occupation : Student
residing at Plot No.3, Gokul Vandan
apartment, Behind Akash Petrol Pump
Kalanagar, Mhasarul, Dist. Nashik

... Petitioner

Versus

1. State of Maharashtra
through its Secretary, Tribal
Development Department,
Mantralaya, Mumbai 400 032.

2. Scheduled Tribe Certificate
Scrutiny Committee, Nashik – 2
Division through its Member
Secretary, having its office at
Dist. Nashi.

3. Pune Vidyarthi Griha's
Shriram Sadashiv Dhamankar
College of Commerce, Science & Arts,
206, Dindori Road, Near MERI Nashik 422004..... Respondents

Mr. R.K. Mendadkar a/w Mrs. Priyanka Shaw, Mr.Jagdish C.
Kawale, Mrs.Prajakta Pashte, for the Petitioner.
, for the Respondent.

Mr. Arun Padekar, Law Officer, Nashik, present.

Mr. A.I. Patel, Addl. GP a/w Smt. V.S. Nimbalkar, AGP for
Respondent-State.

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

DATE : 04th FEBRUARY 2026

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

1. Heard learned counsel for the petitioner and learned AGP for the respondent-State.

2. The caste claim of the petitioner as belonging to 'Mahadev Koli, Scheduled Tribe' has been invalidated by respondent no.2- Scheduled Tribe Certificate Scrutiny Committee ('the Scrutiny Committee', for short) by the impugned order dated 19/06/2023. There is no dispute that there are two holders of the certificates of validity viz. Devidas Dagur Gangurde who is the father of the petitioner and Navneet Devidas Gangurde who is the real brother of the petitioner. On the basis of the validity certificates granted to the close blood relatives of the petitioner, in view of the law laid down by the Supreme Court in the case of **Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and ors.**¹ and by this Court in the case of **Apoorva d/o Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1 and others**², there should be no difficulty in issuing a certificate of validity in favour of the petitioner being a close blood relative of Devidas and Navneet who have been granted such certificates.

1 (2023) 16 SCC 415

2 2010 (6) Mh.L.J. 401

3. However, learned AGP was at pains to point out that the caste validity certificate issued to Devidas was without conducting the Vigilance Cell enquiry. It is submitted that even so far as Navneet is concerned, there was no Vigilance Cell enquiry conducted. It is further pointed out that the Committee has discarded these certificates for good reasons inasmuch as the Vigilance Cell enquiry conducted in the caste claim of the petitioner revealed that there are several interpolations and changes made in the documents relied upon by the petitioner in support of his caste claim. Learned AGP therefore submitted that the present Scrutiny Committee has recorded a finding that after a detailed Vigilance Cell enquiry was conducted, it was found that the petitioner had relied upon various documents which were required to be discarded for the reasons mentioned by the Scrutiny Committee. It is further submitted that the caste validity certificates were issued by the then Scrutiny Committee in favour of Devidas and Navneet in a most casual manner without adhering to the procedure expected of the Scrutiny Committee to follow.

4. The submissions of the learned AGP are attractive. The reading of the impugned order passed by the Scrutiny Committee

does go to show that the Committee has after an elaborate exercise and after directing Vigilance Cell enquiry found it appropriate to discard the validity certificates granted in favour of the close blood relatives of the petitioner.

5. The question is as to whether the Scrutiny Committee was justified in discarding the said certificates of validity due regard being had to the provisions of the [Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes \(Vimukta Jatis\), Nomadic Tribes, Other Backward Classes and Special Backward Category \(Regulation of Issuance and Verification of\) Caste Certificate Act, 2000](#) and the Rules framed thereunder and also having regard to the decisions relied upon by learned counsel for the petitioner.

6. When a claim is made for issuance of certificate of validity on the basis of close blood relative having been issued a certificate of validity, the Hon'ble Supreme Court in **Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti** (*supra*) has laid down three essential prerequisites while issuing a certificate of validity in favour of the Claimant.

(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.

7. Further, This Court in the case of **Apoorva d/o Vinay Nichale** (*supra*) in paragraph 4 observed thus :

“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. Having considered the aforementioned decisions, we have no difficulty in holding that the certificates of validity issued to Devidas and Navneet are genuine documents and that they are close blood relatives of the petitioner. There is no dispute so far as this aspect is concerned.

9. The next question is whether the certificates are issued after following proper procedure. In this regard, it will be pertinent to

note the order passed by the Scrutiny Committee while granting the certificate of validity in favour of the Navneet. Navneet was issued with a certificate of validity on 01/12/2020. The said certificate was granted by the Scrutiny Committee observing thus :

“The case in respect of Shri/Smt./Kum. NAVNEET DEVIDAS GANGURDE has been referred to the Scrutiny Committee for verification of tribe claim as belonging to, Koli Mahadev(29), Scheduled Tribe. The Scrutiny Committee deeply examined all the documents submitted by the applicant and also observed an affinity, social and cultural status, ordinary place of residence and validity certificates of the blood relatives of the applicant etc. Consider all these facts, Scrutiny Committee is satisfied about the genuineness of the instant case. By considering the fact mentioned above regarding genuineness of the said case, it is decided by the Scrutiny Committee to take decision in the said case on merit, means there is no need to hand over the said case to the Vigilance Cell for home and school enquiry and also without calling the applicant for personal hearing before the Scrutiny Committee. Hence, as per the provisions under the Act and Rules decision is to be given by the Scrutiny Committee. After considering all the factors mentioned above, the Scrutiny Committee unanimously have come to the conclusion that Shri./Smt/Kum NAVNEET DEVIDAS GANGURDE is belonging to Koli Mahadev(29), Scheduled Tribe and hence the tribe certificate of the applicant issued by the SUB DIVISIONAL OFFICER DINDORI District Nashik vide No. 415 dated 08 March 2017 towards Koli Mahadev (29), Scheduled Tribe is held Valid and hence, the validity certificate is to be issued to the applicant accordingly.”

10. We thus find that the then Committee while issuing validity to Navneet observed that it had deeply examined all the documents submitted by the applicant and after observing affinity, social and cultural status, the validity certificates have been issued to the close blood relatives and upon overall consideration, the Scrutiny Committee was satisfied that the claim is genuine. It is

significant to note that the then Scrutiny Committee took a decision in the said case on merits and took a conscious decision not to hand over the case to Vigilance Cell for enquiry. We thus find that it is on the basis of the materials and after taking conscious decision not to hand over the case to the Vigilance Cell that the certificate of validity was issued to Navneet. At this stage, we may refer to the decision of the Hon'ble Supreme Court in the case of **Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti** (*supra*). Their Lordships in paragraphs 20 & 21 have discussed the procedure to be followed by the Scrutiny Committee in the matter of grant of certificate of validity.

“20. Rule 12 lays down the procedure to be followed by the Scrutiny Committee. It contains a provision regarding forwarding a case to the vigilance cell to hold an enquiry. Rule 12 reads thus :

12. Procedure to be followed by Scrutiny Committee (1) On receipt of the application, the Scrutiny Committee or a person authorised by it shall scrutinise the application, verify the information and documents furnished by the applicant, and shall acknowledge the receipt of the application. The Member Secretary shall register the application, received for verification, in the register prescribed by the Chairman

(2) If the Scrutiny Committee is not satisfied with the documentary evidence produced by the applicant the Scrutiny Committee shall forward the applications to the vigilance cell for conducting the school, home and other enquiry

(3) The vigilance officer shall go to the local place of residence and original place from which the applicant hails and usually resides, or in case of migration, to the town or city or place from which he originally hailed from

(4) The vigilance officer shall personally verify and collect all the facts about the social status claimed by the applicant or his

parents or the guardian in the case may be.

(5) The vigilance cell shall also examine the parents or guardian or the applicant for the purpose of verification of their Tribe, of the applicant

(6) After completion of the enquiry, the vigilance cell shall submit its report to the Scrutiny Committee who will in turn scrutinise the report submitted by the vigilance cell

(7) In case the report of vigilance cell is in favour of the applicant, and if the Scrutiny Committee is satisfied that the claim of the applicant is genuine and true, the Scrutiny Committee may issue the validity certificate. The validity certificate shall be issued in Form G.

(8) If the Scrutiny Committee, on the basis of the vigilance cell report and other documents available, is not satisfied about the claim of the applicant, the Committee shall issue a show-cause notice to the applicant and also serve a copy of the report of the vigilance officer by registered post with acknowledgment due. A copy shall also be sent to the Head of the Department concerned, if necessary. The notice shall indicate that the representation or reply, if any, should be made within fifteen days from the date of receipt of the notice and in any case not more than thirty days from the date of receipt of the notice. In case the applicant requests for adjournment or extension of the time limit, reasonable time, may be granted.

(9)(a) After personal hearing if the Scrutiny Committee is satisfied regarding the genuineness of the claim, validity certificate shall be issued in Form G

(b) After personal hearing if the Scrutiny Committee is not satisfied about the genuineness of the claim and correctness of the Scheduled Tribe Certificate, it shall pass an order of cancellation and of confiscation of the Certificate and communicate the same to the competent authority for taking necessary entries in the register and for further necessary action. The Scheduled Tribe Certificate shall then be stamped as "cancelled and confiscated"

(emphasis supplied)

11. Further in paragraph 22, Their Lordships observed that it is not possible to exhaustively pinpoint the cases in which the Scrutiny Committee must refer the case to the Vigilance Cell. One of the test is as laid down in **Madhuri Patil Vs. Commissioner,**

Tribal Development³ that the documents of the pre- constitution period showing the caste of the applicant and their ancestors are of the highest probative value.

12. There is a provision in Rule 12(2) that if the Scrutiny Committee is not satisfied with the documentary evidence produced by the applicant, it shall forward the application to the Vigilance Cell for conducting the school, home and other enquiry. We find that in Navneet's case the then Scrutiny Committee upon examining the documents was satisfied about the genuineness of the claim. The then Scrutiny Committee issued the certificate to Navneet after following the procedure and on being satisfied that there was no necessity to forward the said case to the Vigilance Cell for conducting the enquiry. In such circumstances, we are of the opinion that the approach of the Scrutiny Committee in discarding the certificate of validity issued in favour of Navneet in support of the petitioner's case on the ground that there was no Vigilance Cell enquiry is untenable. In **Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti vs. The State of Maharashtra and Others.**, Civil Appeal No.2502 of 2022, the Hon'ble Supreme Court in order dated 12th December 2025 made a reference to its

³ (1994) 6 SCC 241

judgment in the same proceedings and observed thus :-

3. It is not in dispute that a three-Judge Bench of this Court, vide judgment dated 24.03.2023 (passed in the instant proceedings). reported in (2023) 16 SCC 415, has held as follows:

“ 36. Thus, to conclude, we hold that:

(a) Only when the Scrutiny Committee after holding an enquiry is not satisfied with the material produced by the applicant, the case can be referred to Vigilance Cell. While referring the case to Vigilance Cell, the Scrutiny Committee must record brief reasons for coming to the conclusion that it is not satisfied with the material produced by the applicant. Only after a case is referred to the Vigilance Cell for making enquiry, an occasion for the conduct of affinity test will arise.

(b) For the reasons which we have recorded, affinity test cannot be conclusive either way. When an affinity test is conducted by the Vigilance Cell, the result of the test along with all other material on record having probative value will have to be taken into consideration by the Scrutiny Committee for deciding will the caste validity claim; and

(c) In short, affinity test is not a litmus test to decide a caste claim and is not an essential part in the process of the determination of correctness of a caste or tribe claim in every case.”

4. It may be seen from the above that this Court has categorically ruled that only when the Scrutiny Committee after holding an inquiry is not satisfied with the material produced by applicant/claimant (like the appellants), the case can be referred to the Vigilance Cell. For doing so, the Scrutiny Committee is obligated to record brief reasons in support of the conclusion that it was not satisfied with the material produced by the applicant. The occasion for holding a further fact-finding inquiry by the Vigilance Cell, would arise only when preliminary test prescribed for the Screening Committee has been met with.”

(emphasis supplied)

13. The Scrutiny Committee cannot sit in appeal over the

decision of the then Scrutiny Committee which issued the validity certificate in favour of Navneet, more so when the then Scrutiny Committee has recorded its satisfaction that there is no necessity for conducting enquiry by the Vigilance Cell.

14. Learned AGP on instructions informed us that no show cause notice has been issued to Devidas or Navneet for cancellation/revocation of the validity certificate issued in their favour. We are of the firm view that in the facts and circumstances of the present case, the Scrutiny Committee could not have discarded the certificate of validity granted to 'Navneet' as the reasons indicated in the impugned order would show that the same virtually amounts to the Scrutiny Committee sitting in appeal over the decision of the then Scrutiny Committee which issued the validity certificate in favour of Navneet.

15. It is always open for the Scrutiny Committee to take appropriate action against the validity certificates issued to Devidas and Navneet in accordance with law on permissible grounds.

16. It is made clear that the present certificate of validity is issued on the strength of the petitioner being a close blood relative

of Navneet. In the event any show cause notice is issued to Navneet and any orders thereon are passed, the same consequences shall follow even in the petitioner's case.

17. For the aforesaid reasons, the petition succeeds.

18. The impugned order is quashed and set aside. The Scrutiny Committee is directed to issue a certificate of validity to the petitioner as belonging to 'Mahadev Koli, Scheduled Tribe', within a period of 6 weeks for the date of communication of this order.

19. So far as the show cause notice is concerned, all contentions are kept open.

(S.M.MODAK, J.)

(M.S.KARNIK, J.)