

(2026) 01 BOM CK 1339
In the Bombay High Court
Case No : Writ Petition No. 12835 Of 2023

Akshay Uttam Gaikwad

APPELLANT

Vs

State of Maharashtra

RESPONDENT

Date of Decision : 19-01-2026

Acts Referred:

Citation : (2026) 01 BOM CK 1339

Hon'ble Judges : S.M.Modak, J;M.S. Karnik , J

Bench : Division Bench

Advocate : Siddheshwar Biradar, Anuj Gaikar, Dinesh Shinde, K.S.Thorat

Final Decision : Disposed Of

Judgement

M.S. Karnik, J

1. Heard learned counsel for the Petitioner.
2. The caste claim of the Petitioner as belonging to the 'Koli Mahadeo' Scheduled tribe is invalidated by the Scrutiny Committee by the impugned order.
3. The learned AGP invited our attention to the impugned order. It is submitted that though the Petitioner's father has been issued with the certificate of validity as far back as on 18 July 2005, the same was without holding enquiry. It is further submitted by the learned AGP that there were several overwritings and interpolation on the documents which have been relied upon by the Petitioner's father and other close blood relatives who have been issued the certificate of validity. The learned AGP, therefore, submitted that the Petitioner's claim has been rightly invalidated by Scrutiny Committee.
4. We find as many as 20 close blood relatives of the Petitioner have been issued with certificate of validity. On record is the genealogy on Page-134 of the paper-book which was before the Scrutiny Committee and was duly verified. There does not appear to be any serious dispute about the relationship of the Petitioner with the close relative who have been issued with the certificates of validity as

belonging to Koli Mahadeo Scheduled tribe. According to the Scrutiny Committee, the caste validity certificates were issued in favour of the Petitioner's father and other close relatives by the concerned Scrutiny Committee without taking into consideration the interpolations and overwritings in the materials relied upon in support of the caste claim.

5. From the materials on record and reply filed, it is seen that such validity certificates were discarded by the Scrutiny Committee as the detailed vigilance cell enquiry was not conducted into the authenticity of the documents relied on by the Petitioner. May not be detailed, but nonetheless it is apparent that as many as 20 caste validity certificates in favour of those blood relatives of the Petitioner were issued after holding the vigilance cell enquiry. These close blood relatives have been issued with the show-cause notice including the father of the Petitioner for withdrawing/cancelling the validity certificates granted in their favour. It is obviously open for the Respondents to take the show-cause notice to its logical conclusion in accordance with law. However, factually the certificates of validity which are issued are still effective and are valid as of date.

6. The Scrutiny Committee can obviously test the issuance of such validity certificates on grounds which are permissible in accordance with law. That the certificates have been issued to the close blood relatives is not doubted by the Scrutiny Committee nor is it doubted that the same have been issued after Vigilance cell enquiry but the argument is that an in-depth enquiry was not carried out by the vigilance. In some of the cases, the learned AGP pointed out that there was no enquiry at all.

7. Thus, we find that in respect of caste validity certificate issued in favour of the Petitioner's father, the vigilance cell enquiry was conducted but the same was not an in-depth enquiry according to learned AGP, for which show-cause notice is now issued. In such view of the matter, there is no reason to deny the Petitioner, the relief prayed for in this petition.

8. This Court in *Apoorva d/o Vinay Nichale v/s. Divisional Caste Certificate Scrutiny Committee No.1 and others* 2010 (6) Mh.L.J in Para No.4 observed 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."

9. Thus, if the close blood relatives of the Petitioners has been issued a certificate of validity, even the Petitioner's claim needs to be validated.

10. The impugned order is, therefore, quashed and set aside. The Committee is directed to issue a certificate of validity as belonging to Koli Mahadeo Scheduled Tribe to the Petitioner expeditiously and in any case within a period of six weeks from the date of communication of the order.

11. Needless to mention that if any adverse orders are passed as regards the caste validity certificate issued to the Petitioner's father, the same consequence will follow even as regards the caste validity certificate that is issued to the Petitioner pursuant to the order passed by this Court. The issuance of caste validity certificate is made subject to the outcome of show-cause notice issued to the Petitioner's father.

12. The Writ Petition is disposed of.