

**(2026) 01 BOM CK 1342**  
**In the Bombay High Court**  
**Case No : Writ Petition No. 11071 Of 2023**

Bhushan Rajendra More

APPELLANT

Vs

State of Maharashtra and anr

RESPONDENT

**Date of Decision :** 19-01-2026

**Acts Referred:**

**Citation :** (2026) 01 BOM CK 1342

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

**Bench :** Division Bench

**Advocate :** R.K. Mendadkar, Prajakta Pashte, Rupali Shinde

**Final Decision :** Disposed Of

## Judgement

M.S. Karnik, J

1. Heard learned counsel for the Petitioner and learned AGP appearing for the Respondent-State. The caste claim of the Petitioner as belonging to the 'Koli Mahadev, Scheduled Tribe' has been invalidated by the Scrutiny Committee. Inviting our attention to the impugned order, learned AGP in support of the impugned order submitted that the Scrutiny Committee has for cogent reasons invalidated the caste claim of the Petitioner. Learned counsel for the Petitioner in support of the caste claim submitted that the Scrutiny Committee was not justified in discarding the caste validity certificate issued to the Petitioner's father on 31/08/2007 [page 83 of the Petition].

2. We have considered the rival submissions. Having gone through the findings of the Scrutiny Committee in the impugned order, we find that the material in the form of caste validity certificate of the Petitioner's father has been discarded on the ground that there are discrepancies in the entries relating to the caste of the Petitioner's father when the matter was considered by the Scrutiny Committee which issued the certificate of validity to the Petitioner's father.

3. We have perused the affidavit in reply filed on behalf of Respondent No.2-

Scrutiny Committee which is at page 115 of the Petition. There is no dispute that the Petitioner's father being a close blood relative of the Petitioner has been issued with the certificate of validity by the Scrutiny Committee. The Petitioner made a claim for grant of validity certificate since a close blood relative of his, has been issued with a certificate of validity. This Court in the case of Apoorva d/o Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1 and others<sup>1</sup> 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. "

4. The Hon'ble Supreme Court in the case of Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and ors.<sup>2</sup> has in the context of a claim made by the Claimant based on caste validity certificate issued to a close blood relative of the Claimant has laid down the following prerequisites before granting the caste validity certificate.

"(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."

5. The aforesaid decisions support the Petitioner's case. Having gone through the affidavit in reply filed by the Scrutiny Committee, we find that it is not the case of the Respondent No.2-Committee that the blood relationship of the Petitioner with his father is under doubt or that proper procedure and due enquiry was not held before issuing the caste certificate in favour of the Petitioner's father. It is also not in dispute that the caste validity certificate issued to the Petitioner's father is a genuine document. The reason why the Committee has discarded the caste validity certificate issued to the Petitioner's father is that the then Scrutiny Committee while issuing the caste validity certificate in favour of the Petitioner's father has overlooked certain inconsistent entries relating to the caste of the Petitioner's father which were on record before the then Scrutiny Committee. In

our opinion, this could not have been a justifiable reason to invalidate the caste claim. It is of course open for the Scrutiny Committee to withdraw/cancel the caste validity certificate issued to the Petitioner's father on permissible grounds.

6. Learned AGP submitted that a show cause notice has been issued to the Petitioner's father as well as his other blood relatives who have been granted the certificate of validity for cancelling/withdrawing such certificate. It is obviously open for the Scrutiny Committee to take the show cause notices to its logical conclusion in accordance with law. However, we are not impressed with the reasons assigned by the Committee mentioned in the impugned order for discarding the caste validity certificate issued in favour of the Petitioner's father. If at all caste validity certificate issued to the father is to be withdrawn/cancelled, the same has to be done in accordance with law and on the touchstone of the law laid down permitting such withdrawal/cancellation. So long as the caste validity certificate issued to the Petitioner's father and his close blood relatives is valid, the Petitioner being a close blood relative and as all the three essential prerequisites for allowing the claim of the Petitioner in terms of law laid down by the Hon'ble Supreme Court in the case of Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and ors (supra) are fulfilled, the Petitioner is entitled to have his claim validated.

7. The impugned order is therefore quashed and set aside.

8. 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.

9. Needless to mention that if at all any adverse orders are passed in respect of caste validity certificate issued to the Petitioner's father and his close blood relatives, the same consequences shall follow in respect of the certificate of validity issued to the Petitioner.

10. The Petition is disposed of.