



**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 168 OF 2025

Mohandas S/o Sayanna Koshakewar
Age: 31 years, Occ. Service,
R/o. Kundalwadi, Tq. Biloli,
Dist. Nanded

... PETITIONER

VERSUS

1. The State of Maharashtra,
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai
2. The Scheduled Tribe Caste Certificate
Verification Committee, Kinwat,
Head Quarter at Aurangabad,
Through its Dy. Director (R),
Dist. Aurangabad

... RESPONDENTS

**AND
WRIT PETITION NO. 493 OF 2025**

Mukesh S/o Sayanna Koshakewar
Age: 29 years, Occ. Selectee,
R/o. Kundalwadi, Tq. Biloli,
Dist. Nanded

... PETITIONER

VERSUS

1. The State of Maharashtra,
Through its Secretary,
Finance Department,
Mantralaya, Mumbai

2. The Scheduled Tribe Caste Certificate
Verification Committee, Kinwat,
Head Quarter at Aurangabad,
Through its Dy. Director (R),
Dist. Aurangabad
 3. The Special Commissioner of State Tax
H-Wing, Third Floor, Goods and Service,
Tax Bhavan, Mazgaon, Mumbai
 4. The Joint Commissioner of State Tax
H-Wing, Third Floor, Goods and Service,
Tax Bhavan, Mazgaon, Mumbai
- ... RESPONDENTS**

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Mr. Sunil M. Vibhute, Advocate for the Petitioners

Mr. S. D. Ghayal, Addl. G.P. for the Respondents – State

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**CORAM : MANISH PITALE AND
Y. G. KHOBRAGADE, JJ.**

DATE : 25.07.2025

ORDER (Per- Y. G. Khobragade, J.) :-

1. Heard the learned counsel for the Petitioners and the learned AGP for the Respondents. With consent of both the sides, both the Petitions are heard finally at the stage of admission.

2. By the present Petition, the Petitioners take exception to the impugned orders dated 15.06.2023 and 03.01.2025, respectively, passed by Respondent No.2 Scrutiny Committee.

3. The Petitioners in both the Petitions are real brothers. Petitioner in Writ Petition No.168 of 2025 is serving as a Junior Engineer with Jal Sampada Vibhag, Konkar Pradesh, Mumbai and the Petitioner in Writ Petition No.493 is serving as State Tax Inspector (Group-B) with Respondent Nos. 3 and 4, Sales Tax Department. Both the Petitioners are appointed against the reserved category of Scheduled Tribe.

4. As per the genealogical tree, the Petitioners' forefather Poshatti Mallesh Koshakewar had one son Sayanna Poshatti Koshakewar. Narsinglu and Tikaji are the sons of Sayanna Poshatti Koshakewar. Poshatti Narsimlu Koshakewar and Sayanna Narsimlu Koshakewar, are the real brothers. Vishnudas and Varsha are the children of Poshatti Narsimlu. Mohandas, Petitioner Mukesh and Suman are the children of Sayanna Narsimlu Koshakewar.

5. On 16.06.2010, the Scrutiny Committee issued 'Mannervarlu' Scheduled Tribe validity certificate in favour of Vishnudas, the cousin of the present Petitioners. Since, the paternal blood relative of the Petitioners is having validity certificate, the present Petitioners are also entitled to have validity certificate. Therefore, taking into consideration the law laid down in the cases of

Mah. Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra & Ors.; AIR 2023 SC 1657, Shweta Balaji Isankar Vs. State of Maharashtra & Ors., 2018 SCC Online Bom. 10341, Apoorva Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1 and Ors., 2010(6) Mh.L.J. 401, wherein it has been concluded that when the biological father, biological siblings, biological uncle etc., are granted validity certificates, a candidate so related to them, cannot be deprived of a validity certificate. The present Petitioners are entitled to have a certificate of validity.

6. In view of above, the impugned orders dated 15.06.2023 and 03.01.2025, respectively, passed by Respondent No.2 Scrutiny Committee, are hereby quashed and set aside.

7. Respondent No.2 Scrutiny Committee shall issue 'Mennervarlu' Scheduled Tribe validity certificate in favour of the Petitioners, within a period of four weeks from today, which shall be subject to the following conditions:-

- (a) The caste validity certificate shall be subject to the outcome of the re-verification of the validity certificates of blood relatives of the Petitioners, which the Respondent No.2 Scrutiny Committee may propose to re-open.

(b) The Petitioners shall not claim any equity.

(c) The Petitioners shall cooperate with the Scrutiny Committee.

8. Accordingly, the Writ Petitions are disposed of.

[Y. G. KHOBRAGADE, J.]

[MANISH PITALE, J.]

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