



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

WRIT PETITION NO. 3830 OF 2025

- 1] Varad Santosh Suryawanshi
Age: 18 years, Occu. Student,
R/o. Sunny Centre, Jadhavwadi,
Pisadevi Road,
Chhatrapati Sambhajinagar
- 2] Mumukshu Sachin Suryawanshi
Age: 17 years, Occu. Education
Through his natural guardian
Sachin Bhimrao Suryawanshi
Age: 46 years, Occu. Govt. Service,
R/o. Flat No.5, Govindraj Apartment,
Mayur Park Road, Harsul,
Chhatrapati Sambhajinagar

... PETITIONERS

VERSUS

- 1] The State of Maharashtra
Through Secretary for
Tribal Development Department,
Mantralaya, Mumbai – 32
- 2] Schedule Tribe Certificate Scrutiny Committee
Chhatrapati Sambhajinagar Division,
Plot No.10, Section E-1, CIDCO,
Opp. CIDCO Bus Stand,
Chhatrapati Sambhajinagar
- 3] Sub Divisional Officer, SETU,
Chh. Sambhajinagar

4] Maharashtra Vidnyan, Kala va Waniya
Kanishya Mahavidyalay,
Shivrai Parisar, Walunj,
Taluka – Gangapur,
District – Chhatrapati Sambhajanagar,
Through its Principal ... RESPONDENTS

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Mr. Parag V. Barde, Advocate for the Petitioners
Ms Neha B. Kamble, AGP for Respondent Nos. 1 to 3
Mr. P. P. More, Advocate for Respondent No.4

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

DATE : 17.07.2025

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

1. Heard learned counsel for the Petitioners and the learned AGP for the Respondents.

2. By the present Petition under Article 226 of the Constitution of India, the Petitioners pray for quashing and setting aside the order dated 05.03.2025, passed by Respondent No.2 Scrutiny Committee, thereby invalidating the caste claim of the Petitioners belonging to 'Thakur' scheduled tribe.

3. We have considered the rival submissions canvassed by the learned counsel for the Petitioners and the learned AGP for Respondent Nos. 1 to 3.

4. Both the Petitioners are cousins and they claim that they belong to “Thakur” scheduled tribe. While they were studying in 12th standard, their caste claim was referred to Respondent No.2 Scrutiny Committee. The Petitioners desire to appear for NEET examination 2025. The caste claim of the Petitioners was forwarded to Respondent No.2 Scrutiny Committee for scrutiny and verification, along with all the relevant documents pertaining to their paternal side blood relatives including their caste certificates issued in Form-“C”. However, on 05.03.2025, the Respondent No.2 Scrutiny Committee invalidated their “Thakur” Scheduled Tribe caste claim.

5. The learned counsel appearing for the Petitioners took us through the genealogical tree of the Petitioners. As per the genealogical tree, the Petitioners’ ancestor Shri Haribhau Shravan Suryawanshi had two sons, namely Bhimrao and Shyamrao. Sachin and Santosh are the sons of Bhimrao. Devendra and Rajendra are the sons of Shyamrao. Petitioner No.1 Varad is the son of Santosh. Petitioner No.2 Mumukshu is the son of Sachin. On the face of the record, it appears that on 31.10.2003, Respondent No.2 Scrutiny Committee issued “Thakur” Scheduled Tribe validity certificate in

favour of Sachin Bhimrao Suryawanshi, the father of Petitioner No.2 Mumukshu. Further, on 06.12.2005, the Scrutiny Committee granted validity certificate of “Thakur” Scheduled Tribe, in favour of Santosh Bhimrao Suryawanshi, the father of Petitioner No.1 Varad.

6. In *Writ Petition No.10913 of 2019 (Manthan s/o Rajendra Suryawanshi and another Vs. State Common Entrance Test Cell, Maharashtra, Mumbai and others)*, the Division Bench of this Court (Coram: Sunil P. Deshmukh and R. G. Avachat, JJ.), held that the forefather of the cousin of the Petitioners belonged to “Thakur” Scheduled Tribe and their brother Devendra and cousins of the Petitioners, have been granted validity certificates. Therefore, the cousin of the Petitioner is also entitled for “Thakur” Scheduled Tribe validity certificate.

7. Again, in *Writ Petition No.7383 of 2024 (Harshad Devendra Suryawanshi Vs. Schedule Tribe Certificate Scrutiny Committee, Aurangabad)*, the Division Bench of this Court (Coram: Mangesh S. Patil and Shailesh P. Brahme, JJ.), passed the order, holding that the cousin sisters of the present Petitioners are entitled to have “Thakur” Scheduled Tribe validity certificate.

8. Respondent No.2 Scrutiny Committee, has not denied relationship between the Petitioners and the parental relatives of the Petitioners in whose favour the caste validity certificates are issued.

9. Since the parental blood relatives of the Petitioners are already granted “Thakur” Scheduled Tribe validity certificates, 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.

10. In view of above discussion, the present Petition deserves to be partly allowed and impugned order dated 05.03.2025, passed by Respondent No.2 Committee, needs to be quashed and set aside. Accordingly, we proceed to pass the following order:-

ORDER

- (i) The Writ Petition is partly allowed.
- (ii) The impugned order dated 05.03.2025, passed by Respondent No.2 Scrutiny Committee is hereby quashed and set aside.
- (iii) Respondent No.2 Scrutiny Committee shall issue tribe validity certificate in favour of the Petitioners as belonging to “Thakur” Scheduled Tribes, which shall be subject to the final outcome of the matters which the Committee has decided to re-open.
- (iv) The Petitioners shall not be entitled to claim equities.

[Y. G. KHOBRADE, J.]

[MANISH PITALE, J.]

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