



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4574 OF 2025

1. Arpita D/o Gopal Maldode,
Age: 18 years, Occu: Education,
R/o Manjram, Taluka Naygaon,
Dist. Nanded.
2. Tanvi D/o Gopal Maldode,
Age: 17 years, Occu: Education,
Since minor through her guardian
Father Gopal s/o Ramrao Maldode,
Age: 40 years, Occu. Agril,
R/o as above.

... PETITIONERS

V/s.

1. The State of Maharashtra,
Through Secretary,
Department of Tribal Development,
Mantralaya, Mumbai – 32.
2. Scheduled Tribe Certificate
Scrutiny Committee, Kinwat,
Head Office Ch. Sambhajinagar,
Through its Member Secretary.

... RESPONDENTS

.....
Mr. Deepak Choudhari & Vijay Gangalwad, Advocate for the Petitioners
Mr. V. M. Kagne, AGP for the Respondent-State
.....

CORAM : MANISH PITALE &
Y.G. KHOBRAGADE, JJ.

DATE : 21st July, 2025

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

1. Rule. Rule made returnable forthwith. With the consent of both the sides, it is heard finally at the stage of admission.

2. By the present petition, the Petitioners take exception to the order dated 05.03.2025 passed by the Respondent No.2-Scrutiny Committee, Ch. Sambhajinagar, thereby invalidating “Mannervarlu” Scheduled Tribe certificates of the Petitioners.

3. We have considered the submissions of the learned counsel for the Petitioners and the learned AGP for the Respondents. The Petitioners have claimed that they belong to the “Mannervarlu” Scheduled Tribe. Their tribe claims were forwarded for verification by the College to the Respondent No.2/Scrutiny Committee. The Petitioners have submitted all necessary documents including the Scheduled Tribe validity certificates of their paternal blood relatives, however, their caste claims were refuted by the Respondent No.2 without assigning proper and cogent reasons, hence, prayed for quashing and setting aside the impugned order.

4. Having regard to the rival submissions canvassed on behalf of both the sides, we have gone through the record. As per the Genealogical tree, The Petitioners are the daughters of Shri Gopal Maldode. Ms. Surekha, Anita, Balaji, Gopal and Meera are children of Shri Ramrao Rajaram Maldode, who is great grandfather of the Petitioners. On 03.05.2006, the Respondent No.2/Scrutiny Committee issued “Mannervarlu” Scheduled Tribe validity certificate in favour of Kum. Meera Maldode, the real paternal aunt of the Petitioners. Needless to

say that Meera's validity certificate is based on validity certificate issued in favour of Balaji Maldode, the uncle of the present Petitioners. During the course of hearing, the learned AGP produced the record pertaining to Scheduled Tribe validity certificate issued in favour of Balaji Maldode and Meera Maldode. On 03.01.2000, the Respondent No.2/Scrutiny Committee issued "Mannervarlu" Scheduled Tribe validity certificate in favour of Balaji Maldode after conducting vigilance cell inquiry and the validity certificate issued in favour of Meera by relying on schedule tribe validity certificate issued in favour of Balaji Maldode, the petitioner's real uncle.

5. The learned AGP submits that the Respondent No.2/Scrutiny Committee has already issued show cause notices in respect of re-opening of cases of the blood relatives of the Petitioners on whose validity certificates the Petitioners have relied.

6. Therefore, taking into consideration the law laid down in **Mah. Adivasi Thakur Jamat Swarakshak Samiti Vs. State of Maharashtra and others; AIR 2023 SC 1657, Shweta Balaji Isankar Vs. The State of Maharashtra and others; 2018 SCC OnLine Bom. 10363 and Apporva Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1 and others; 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 Petitioner is entitled to have a certificate of validity. However, the said validity shall be co-terminus with the decision in the matter which the committee may decide to re-open.

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

ORDER

- i. Writ Petition is partly allowed.
- ii. The impugned order dated 05.03.2025 passed by the Respondent No.2-Scrutiny Committee is hereby quashed and set aside.
- iii. The Respondent No.2-Scrutiny Committee shall issue "Mannervarlu" Scheduled Tribe validity certificates in favour of the Petitioners which shall be subject to final outcome of the matters which the committee has decided to re-open.
- iv. Rule is made partly absolute in above terms.

[Y.G. KHOBRADE, J.]

[MANISH PITALE, J.]