



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

WRIT PETITION NO. 9429 OF 2025

**1. SHREYASH S/O SRINIVAS ANDELWAR
THR FATHER AND NATURAL GUARDIAN
SRINIVAS S/O NAMPELLI ANDELWAR**

2. NANDINI D/O SRINIVAS ANDELWAR

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Mr. S. M. Vibhute, Advocate for the Petitioners

Mr. R. K. Ingole, AGP for the Respondents - State

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

DATE : 07.08.2025

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 parties and considering the exigency about requirement to furnish Scheduled Tribe validity certificates of the Petitioners for admission purpose to the professional courses, the Petition being heard finally at the admission stage.

2. The challenge in the present Petition is to the order dated 03.03.2025, passed by Respondent No.2 Scrutiny Committee, invalidating “Mannervarlu” Scheduled Tribe claim of the Petitioners.

3. As per the genealogical tree, the Bhumaiyya Andelwar, the forefather of the Petitioners was having three children, namely, Ramayya, Santuka and Saybu. Narsaiyya is the son of Ramayya. Narsaiya had one son Ramayya. Nampalli is the son of Ramayya. Raman, Srinivas, Renuka and Santoshi are the children of Nampalli. Petitioner No.1 Shreyash and Petitioner No.2 Nandini, are the children of Srinivas.

4. The Scrutiny Committee has granted “Mannervarlu” Scheduled Tribe validity certificate in favour of uncle, father and paternal Aunt of the Petitioners on 13.03.2007, 29.12.2007 and 09.07.2010, respectively. The Respondent No.2 Scrutiny Committee has not denied paternal blood relations between the Petitioners and the validity holders. Therefore, considering the parity, the Petitioners are also entitled to have “Mannervarlu” Scheduled Tribe validity certificates in their favour subject to final outcome of the matters which the committee has decided to reopen. As per 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 the certificates of validity.

5. The Petitioners appear to be the aspiring students for the professional courses. Therefore, they are called upon to furnish undertaking that, in case, their caste validity certificate is invalidated by the Scrutiny Committee, in that event they shall pay the tuition fees and admission fees applicable to the candidate from open category and no equity shall lie in their favour. In view of above discussion, the present Petition deserves to be allowed partly and the impugned order dated 03.03.2025 passed by Respondent No.2 Scrutiny 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 03.03.2025, passed by Respondent No.2 Scrutiny Committee is hereby quashed and set aside.
- (iii) Respondent No.2 Scrutiny Committee shall **immediately** issue “Mannervarlu” Scheduled Tribe validity certificates in favour of the Petitioners, which shall be subject to following conditions:-
 - (a) The caste validity certificates shall be subject to the outcome of the re-verification of the validity certificates of their blood relatives proposed by the Scrutiny Committee.
 - (b) The Petitioners shall furnish undertaking before the Registrar (Judicial) of this Court as well as before the Scrutiny Committee and the Educational Institution with whom they will take admission for professional course, indicating that in case their caste validity is revoked, they would deposit the tuition fees and other charges applicable to the candidates from open category.
 - (c) The Petitioners shall not claim any equity.
 - (d) The Petitioners shall cooperate with the Scrutiny Committee.

[Y. G. KHOBRAGADE, J.]

[MANISH PITALE, J.]

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