



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

WRIT PETITION NO. 6092 OF 2025

- 1) Sainath Yadavrao Shettiwar **... Petitioner**
Age 32 years, Occu: Agriculture
R/o At Post Arjapur
Tq. Biloli District Nanded
- 2) Shraddha Hanmanlu Shettiwar
Age: 17 years, Occu: Student
R/o At Post Arjapur
Tq. Biloli District Nanded
- 3) Hanmanlu Bhumanna Shettiwar
Age 48 years, Occu: Service
R/o At Post Arjapur
Tq. Biloli District Nanded

VERSUS

1. The State of Maharashtra,
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai
2. The Scheduled Tribes Certificate Scrutiny **... Respondents**
Committee, Kinwat Division
Through its Member Secretary
3. Niwasi Mukbadhir Vidyalaya, Ravindranagar,
Near Gandhinagar, Biloli
Managed by Gangamata Shikshan Prasarak
Mandal Biloli, District Nanded
Through its President

Mr. Sainath G. Jayewar, Advocate for the petitioners
Mr. S. P. Sonpawale, AGP for the Respondents/State
Mr. Shubham S. Kote, Advocate for Respondent No. 3

CORAM : **MANISH PITALE &**
Y. G. KHOBRAGADE, JJ.
DATE : **29.07.2025**

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

1. **Rule.** Rule is made returnable forthwith. With the consent of both the sides, petition is heard finally at the stage of admission.
2. By the present petition under Article 226 of the Constitution of India, the Petitioners, who are paternal relatives, take exception to the order dated 30.04.2025 passed by Respondent No.2 Scrutiny Committee, thereby invalidating their "Mannervarlu" Schedule Tribe Certificates.
3. The petitioners claim that they belong to "Mannervarlu" Scheduled Tribe. Their individual proposals were forwarded to Respondent No.2 Scrutiny Committee for validation of their tribe certificates. The petitioners have submitted various documents, including validity certificates of blood relatives, school entries etc. in support of their claims. However, by a common order dated 30.04.2025, the claims of the petitioners of belonging to "Mannervarlu" Scheduled Tribe were rejected on the ground the petitioners failed to prove the affinity test. Petitioner No.1 requires validity certificate for contesting election, Petitioner No. 2 requires validity certificate for

educational purpose whereas, Petitioner No.3 requires tribe validity certificate for service benefits.

4. Having regard to the submissions canvassed on behalf of both the sides, we have gone through the record.

5. The learned counsel appearing for the petitioner took us through the genealogical tree. As per genealogical tree, the petitioner's forefather, namely Damanna Shettiwar had two sons namely Sanganna and Sayanna. Sayanna Damanna Shettiwar has three sons namely Sanganna, Chandrakant and Ramesh. Lalu (validity holder), Maruti and Usha are the children of Sanganna. Anuradha, Mohan (validity holder) and Dattatraya (validity holder) are the children of Chandrakant. Rohit and Shivani are the children of Ramesh. In another branch of genealogy, Sayanna Damanna Shettiwar had two sons, namely Bhumanna and Sayanna. Ganganna is the son of Bhumanna. Sundarabai, Bhumabai, Ramlu and Gangabai are the children of Ganganna. Sarika, Radha (validity holder), Madhav and Rahul are the children of Ramlu. Mohanabai, Rajanna, Lalxmibai, Bhumanna, Rajabai are the children of Sayanna. Yadav is the son of Rajanna. Sainath (Petitioner No.1), Shakuntala and Akash are the children of Yadav. Godavari, Rehka, Hanmanlu (Petitioner No.3) and

Savita are the children of Bhumanna. Petitioner No.2 Shradha is daughter of Hanmanlu.

6. On the face of the record, it appears that this Court delivered an order on 23.10.2024 in Writ Petition No. 11836 of 2024 (Mohan Chandrakant Shettiwar Vs. State of Maharashtra and others) and granted conditional validity certificate of belonging to Mannervarlu Scheduled Tribe in favour of Mohan Chandrakant Shettiwar, co-terminus with the validity certificates of the blood relatives who are facing reverification. Further, on 23.07.2018, this Court passed an order in Writ Petition No. 7499 of 2018 and directed the Scrutiny Committee to issue validity certificate in favour of Dattraya (petitioner therein) of belonging to "Mannervarlu" Scheduled Tribe, subject to outcome of the proceedings for cancellation of validity issued in favour of his blood relatives. Further, on 24.07.2018, this Court passed an order in Writ Petition No 2619 of 2018 (Rohit Ramesh Shettiwar Vs. State of Maharashtra and others) and granted conditional validity certificate of belonging to Mannervarlu Scheduled Tribe in favour of Rohit Ramesh Shettiwar.

7. No doubt, the respondent Scrutiny Committee has served a notice of reverification upon Lalu Sanganna Shettiwar, whose validity was relied upon by Mohan Chandrakant Shettiwar, petitioner in Writ

Petition No.11836 of 2024, and the said proceeding is pending for final decision with the respondent Scrutiny Committee. However, as on today, the validity certificate of Mannervarlu Scheduled Tribe issued in favour of Lalu is still in operation. Admittedly, these validity holders are blood relatives of these petitioners and the committee has not denied the same.

7. In cases of *Mah. Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra & Ors.*; AIR 2023 S.C. 1657, *Shweta Balaji Isankar V/s. 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], 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. Therefore, considering party with the blood relatives of the petitioners, the petitioners are entitled to have conditional validity subject to outcome of the decision in the proceedings in respect of the blood relatives of the petitioners, which the committee has decided to reopen, including the proceeding of Lalu Sanganna. However, the respondent Committee passed the impugned order and invalidated the "Mannervarlu" Scheduled Tribe claims of the petitioners without cogent and substantial reason.

8. In view of above discussion, present petition deserves to be allowed and impugned order dated 30.04.2025 passed by the Respondent No. 2 Committee needs to be quashed and set aside. Accordingly, we proceed to pass the following order:

ORDER

- (i) Writ petition is allowed.
- (ii) Impugned order dated 30.04.2025 passed by the Respondent No. 2 is hereby quashed and set aside.
- (iii) Respondent No. 2/Committee shall immediately issue tribe validity certificates in favour of the petitioners as belonging to 'Mannervarlu' Scheduled Tribe, which shall be subject to the final outcome of the matters which the Committee has decided to re-open.
- (iv) Rule is made absolute accordingly.

(Y. G. KHOBRAGADE, J.)

(MANISH PITALE, J.)

JPCChavan