



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6224 OF 2025

1. SUMIT YADAVRAO TOTAWAR THROUGH FATHER
YADAVRAO BHUMANNA TOTAWAR

2. NIKHIL YADAVRAO TOTAWAR

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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Mr. A. D. Sonkawade, Advocate h/f Mr. Sainath G. Jayewar,
Advocate for the Petitioners

Mr. S. P. Sonpawale, AGP for the Respondents – State

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

DATE : 26.08.2025

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

1. The challenge in the present Petition is to the order dated 28.04.2025, passed by Respondent No.2 Scrutiny Committee, invalidating “Mannervarlu (27)”, Scheduled Tribe certificate of the Petitioners.

2. By way of ad-interim relief, vide order dated 15.05.2025, the admissions of the Petitioners in the educational institution, are protected by this Court. Considering the extreme urgency shown, the Petition is taken up for disposal at the stage of admission.

3. Heard both the sides at length.

4. As per the genealogical tree, Hanmalu has three sons, namely, Bhuganna, Prabhanna and Shivanna/Shivaji. Narsanna is the son of Bhuganna. Bhuganna, Naganna and Hanmabai are the children of Narsanna. Savitri, Rajabai, Sailu and Yadav are the children of Bhuganna. Sonali Sanjana and Sanket are the sons of Sailu. Neeta, Nikhil (Petitioner No.2) and Sumit (Petitioner No.1) are the sons of Yadav. Sayanna is the son of Shivanna/Shivaji. Shivaji, Hanmalu, Nagnath and Shivbai are the children of Sayanna. Subhash, Suresh and Savita are the children of Shivaji. Sunil, Krupa, Anita and Meena are the children of Hanmalu.

5. On face of record, it appears that on 11.10.2025, the Respondent No.2 Scrutiny Committee, granted validity certificate of belonging to “Mannervarlu (27)” Scheduled Tribe in favour of Sonali Sayalu Totawar, cousin sister of the Petitioners. Sonali has granted conditional caste validity certificate by this Court by order dated 11.10.2024 in Writ Petition No.10955 of 2024 on condition that the validity shall be co-terminus with the validities of earlier validity holders. So also, the Scrutiny Committee granted validity certificate of belonging to “Mannervarlu” in favour of Suresh Shivaji Totawar. Respondent No.2 passed the impugned order

and invalidated the scheduled tribe claim of the Petitioner on the ground that paternal blood relatives of the Petitioner have obtained the Scheduled Tribe validity certificates on the basis of false and fabricated documents and by suppressing material facts, and therefore, the validity holders were served with notices for revocation of their validities. However, it is not in dispute that the Respondent No.2 Scrutiny Committee has not invalidated or revoked the said validities issued in favour of paternal blood relatives of the Petitioners.

6. Considering 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. However, the said validity shall be co-terminus with the decision in the matter which the Committee may decide to reopen.

7. The learned counsel appearing for the Petitioners submitted that the Scrutiny Committee has issued notice of revocation of validity certificates issued to the blood relative of the Petitioners, namely, **Suresh Shivaji Totawar**. The learned counsel for the Petitioners also submits that the Petitioners have relied upon the caste validity certificate of **Sonali**. It is submitted that the blood relation between the Petitioners and the validity holders, has not been disputed or adversely commented by the Scrutiny Committee. It is submitted that the said blood relatives of the Petitioners are voluntarily ready and willing to execute undertakings before the Respondent No.2 Scrutiny Committee, that they will cooperate in the decision regarding revocation of their validities. In these circumstances, it would be just and proper to direct **Suresh and Sonali**, to file separate undertakings before Respondent No.2 Scrutiny Committee, stating that they will cooperate with the said Committee in respect of the tribe proceedings.

8. Since the Petitioners appear to be aspiring candidates for admission to professional courses and they intend to secure admission under the Scheduled Tribe reserved category, they are

directed to furnish undertakings that, in the event of their claims are invalidated by Respondent No.2 Scrutiny Committee, they shall pay the tuition and admission fees applicable to a candidate from the open category, and no equity shall lie in their favour.

9. In view of above discussion, the present Petition deserves to be partly allowed and the impugned order dated 28.04.2025 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 28.04.2025, 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 an 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 courses, 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.

(iv) **Suresh and Sonali**, who are blood relatives of the Petitioners, shall furnish undertakings, immediately before Respondent No.2 Scrutiny Committee, stating that they will cooperate and appear before the Scrutiny Committee as and when called upon.

(v) The Writ Petition is disposed of. Pending applications, if any, also stand disposed of.

[Y. G. KHOBRADE, J.]

[MANISH PITALE, J.]

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