



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

35 WRIT PETITION NO. 8702 OF 2025

1. LAKHAN MUNJAJI KOLGANE
2. SUREKHA MUNJAJI KOLGANE
VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

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Advocate for the Petitioner : Mr. Sunil Mahadevappa Vibhute
AGP for Respondents/State : Mr. S.K. Tambe
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CORAM : MANISH PITALE &
Y.G. KHOBRAGADE, JJ.
DATE : 21st July, 2025

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

1. By the present petition, the Petitioners have challenged the order dated 29.04.2025 passed by the Respondent No.2/Scrutiny Committee thereby invalidating "Mannervarlu" Scheduled Tribe certificates.

2. Issue notice to the Respondents. The learned AGP waives notice on behalf of all the Respondents. Considering the urgency, the matter is taken up for final disposal at the motion. Heard both sides at length.

3. Having regard to the rival submissions canvassed on behalf of both the sides, we have gone through the petition paper book. Indeed, on 31.08.2007, the Respondent No.2 Scrutiny Committee issued “Mannervarlu” Scheduled Tribe certificate in favour of Radheshyam Asaram Kolgane, who is blood relative of the Petitioners. The Division Bench of this Court has delivered an order on 28.08.2019 in Writ Petition Nos.9023/2019 & 9044/2019 (*Komal Purbhaji Kolgane & Kanchan Sambhaji Kolgane V/s. State of Maharashtra & Ors.*), in Writ Petition No.2644/2023 (*Krishna Purbhaji Kolgane V/s. The State of Maharashtra & Anr.*), this Court passed an order on 01.08.2023 and in Writ Petition No.4628/2024 (*Juhi Sambhaji Kolgane V/s. The State of Maharashtra & Anr.*) the Division Bench of this Court has directed the Respondent No.2/Scrutiny Committee to issue Scheduled Tribe validity certificates in favour of the Petitioners therein.

4. The Petitioners in above referred Petitions are paternal blood relatives of both these Petitioners. The Respondent No.2/Scrutiny Committee has not denied the paternal blood relations between both the Petitioners and the Petitioners in the above referred petitions. Therefore, considering 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 Petitioners are 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.

5. Since the present Petitioners are paternal blood relatives of other candidates in whose favour tribe validity certificates are directed to be issued, therefore, the petitioners are entitled to have Schedule tribe certificates on the ground of parity as per law laid down in the referred case law. Therefore, we are inclined to allow the present petition partly. Accordingly, we proceed to pass the following order:

ORDER

- i. The impugned order dated 29.04.2025 passed by the Respondent No.2/Scrutiny Committee is hereby quashed and set aside.
- ii. The Respondent No.2/Scrutiny Committee is hereby directed to issue “Mannervarlu” Schedule Tribe validity to the Petitioners within a

period of four weeks. However, the validity of these Petitioners shall be subject to the final outcome of the matters which the Committee may decide to re-open.

- iii. The Writ Petition is disposed of.

[Y.G. KHOBRADE, J.]

[MANISH PITALE, J.]

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