



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7205 OF 2025

1. RUPESH RADHAKISHAN PATWEKAR
2. ADITI RAMESH PATWEKAR
3. PRADNYA GANGADHAR PATWEKAR
4. PIYUSH GANGADHAR PATWEKAR

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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Mr. Deepak D. Choudhari and Mr. Vijay G. Gangalwad, Advocates
for the Petitioners

Ms Saie S. Joshi, AGP for Respondent Nos. 1 and 2 – State

Ms Sudha S. Chintamani (Kulthe), Standing Counsel for
Respondent No.4

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

DATE : 12.08.2025

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

1. The challenge in the present Petition is to the order dated 07.05.2025, passed by Respondent No.2 Scrutiny Committee, invalidating “Mannervarlu” Scheduled Tribe certificate of the Petitioners.

2. The Petitioners are intending to secure admission to the medical course from the seat reserved for Scheduled Tribe

category. The schedule of admission has started, as the result of the entrance test for professional courses is declared. Therefore, 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, Linganna Patwekar, the great-great grandfather of the Petitioners having two sons, namely, Kishanrao and Venkatrao. Narsimallu and Pandharinath are the sons of Kishanrao. Chinnana, Radhakishan and Venkati are the sons of Narsimallu. Radhakishan Gangadhar (elder), Ramesh and Gangadhar (younger), are the sons of Pandharinath. Shrikant and Ashwin are the sons of Chinnana. Suresh and Naresh are the sons of Radhakishan. Gaurav and Gayatri are the children of Venkati. Rupali, Shivani and Rupesh (Petitioner No.1), are the children of Radhakishan. Pranav and Pranita are the sons of Gangadhar (elder). Gayatri and Aditi (Petitioner No.2) are the daughters of Ramesh. Pradnya (Petitioner No.3) and Piyush (Petitioner No.4), are the children of Gangadhar (younger).

5. On face of record, it appears that the Respondent No.2 Scrutiny Committee has issued “Mannervarlu” Scheduled Tribe validity certificates in favour of following paternal blood relatives of the Petitioners:-

Sr. No.	Name	Dave of validity certificate
1.	Rupali Radhakishan Patwekar	15.09.2010
2.	Rahul Devanna Patwekar	31.03.2008
3.	Shrikant Chinanna Patwekar	26.04.2011
4.	Radhakishan Narsimlu Patwekar	05.10.2011
5.	Suresh Radhakishan Patwekar	05.10.2011

6. Since the paternal blood relatives of the Petitioners are having “Mannervarlu” Scheduled Tribe validity certificates, considering the parity, the Petitioners are also entitled to have “Mannervarlu” Scheduled Tribe validity certificate. However, such validity shall be subject to the outcome of the decision in the proceeding in respect of blood relatives of the Petitioners, which the Respondent No.2 decided to re-open.

7. On perusal of the impugned order, it appears that the paternal blood relatives of the Petitioners allegedly played fraud on Respondent No.2 and obtained “Mannervarlu” Scheduled Tribe validity certificates. Therefore, the validity holders are served with

notices for revocation/cancellation of their validity certificates. However, the fact remains that as on today, the validity granted in favour of blood relatives of the petitioners are still intact. Therefore, 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.

8. The Petitioners appear to be aspiring students for professional course, therefore, they are called upon to furnish undertaking that, in case, their caste validity certificates is invalidated by the Scrutiny Committee, in that event, they shall pay the tuition fees and admission fees applicable to the candidates from open category and no equity shall lie in their favour. In view of above discussion, the present Writ Petition deserves to be allowed partly and

the impugned order dated 07.05.2025, 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 07.05.2025, 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 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. KHOBRADE, J.]

[MANISH PITALE, J.]

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