



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

923 WRIT PETITION NO. 8174 OF 2025

1. KUM. VAISHANAVI LINGURAM TOTAWAD
2. SHRI. SHUBHAM LINGURAM TOTAWAD
3. KUM. VEDIKA LINGURAM TOTAWAD

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

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Advocate for the Petitioner : Mr. Jayewar Sainath Gangadhar

AGP for Respondents/State : Mr. S.V. Hange

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

DATE : 14th August, 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 sides, the matter is heard finally at the stage of admission.

2. The challenge in the present Petition is to the order dated 14.05.2025, passed by Respondent No.2/ Scrutiny Committee, invalidating "Mannervarlu" Scheduled Tribe claim of the Petitioners.

3. As per the genealogical tree, Bhumayya Totawad the great grandfather of the Petitioners had three sons namely Bashetti, Piraji, Husenna. Moglaji is son of Bashetti. Bhumanna is son of Moglaji.

Mohan and Rajeshwar are sons of Bhumanna. In second branch of genealogical tree, Piraji has one daughter Dhrupta. Rajanna and Piraji are sons of Dhrupta. Chandrakala, Laxmibai and Linguram are children of Rajanna. The Petitioner No.1-Vaishnavi and Petitioner No.2-Shubham and Petitioner No.3- Vedika are children of Linguram. In third branch of genealogical tree, Husenna had son Poshetti. Eranna is son of Poshetti. Poshetti, Gangamani, Ashok, Anil, Nawab, Rukhmini are children of Eranna. Durga, Ambika and Pavan are children of Poshetti. Ashutosh, Om are sons of Ashok.

4. On face of record, it appears that on 06.02.2009, the Respondent No.2/Scrutiny Committee granted "Mannervarlu" Scheduled Tribe validity certificate in favour of Mohan Lolamwad. On 22.06.2011, the Respondent No.2/Scrutiny Committee granted "Mannervarlu" Scheduled Tribe validity certificate in favour of Anil Lolamwad. On 03.08.2011, the Respondent No.2/Scrutiny Committee granted "Mannervarlu" Scheduled Tribe validity certificate in favour of Ashok Totawad. The Respondent No.2/Scrutiny Committee has not denied the paternal blood relations between the Petitioners and the validity holders- Mohan, Anil and Ashok. On 14.05.2025, the Respondent No.2/Scrutiny Committee passed the impugned order and recorded

findings that the blood relatives of the Petitioners have obtained Mannervarlu Scheduled Tribe validity certificates by playing fraud and suppressing material facts. So also, the validity holders are served with notices for revocation of their validity certificates, however, as on today said validity certificates have not been revoked as till date no final orders have been passed.

5. 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.

6. The Petitioners appear to be aspiring students pursuing professional courses. Therefore, they are called upon to furnish undertaking that, in case, their caste validity certificates are 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 14.05.2025 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 14.05.2025, 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 certificate 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 Institutions 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.

[Y.G. KHOBRAGADE, J.]

[MANISH PITALE, J.]