



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

WRIT PETITION NO. 7828 OF 2021

Purushottam s/o Gangadharrao Kamthewad ... **Petitioner**
Age 34 years, Occu: Services R/o Kushnoor,
Tq. Naigaon (Kh.) Dist. Nanded

VERSUS

1. The State of Maharashtra,
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai
2. The Scheduled Tribes Caste Certificate ... **Respondents**
Verification Committee, Aurangabad
Through its Member Secretary
3. The Chief Executive Officer,
Zilla Parishad, Parbhani
4. The Block Education Officer,
Panchayat Samiti, Jintur, Dist. Parbhani

Mr. S. M. Vibhute Advocate for the petitioner
Mr. V. M. Kagne, AGP for the Respondents/State
Mr. Prashant P. Dama, Advocate for Respondent Nos. 3 and 5

**CORAM : MANISH PITALE &
Y. G. KHOBRADE, JJ.**

DATE : 23.07.2025

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 Petitioner takes exception to the order dated 28.06.2021 passed by Respondent No.2 Scheduled Tribes Verification Committee, thereby invalidating "Mannervarlu" Schedule Tribe certificate of the petitioner.

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

4. The petitioner claims that he belongs to "Mannervarlu" Scheduled Tribe. On 08.08.2012, the petitioner was appointed as Assistant Teacher with Respondent No.3 Zilla Parishad against the post reserved for Scheduled Tribe category. Respondent No.3 forwarded the tribe claim of the petitioner for scrutiny to Respondent No.2 Committee. However, on 28.06.2021, Respondent No.2 Committee refuted the tribe claim of the petitioner of belonging to "Mannervarlu" Scheduled Tribe on the ground the petitioner failed to prove the affinity test.

5. The learned counsel appearing for the petitioner took us through the genealogical tree. As per genealogical tree, the petitioner's great grandfather, namely Mahadji Kamthewad had two sons namely, Bhujanga and Jaiwanta. Digambar is son of Bhujanga and Dattaraya is the son of Jaiwanta. S/Shri Raghunath, Vaijnath and Pandharinath are

the sons of Digambar. S/shri Gangadhar (father of petitioner), Sudhakar and Arvind are the sons of Dattatraya.

6. This Court delivered an order on 19th June, 2025 in Writ Petition No. 7783 of 2021 (Sudhakar s/o Dattatraya Kamthewad Vs. State of Maharashtra and others) and directed the respondent Scrutiny Committee to issue conditional validity certificate in favour of Sudhakar (real uncle of the petitioner) of belonging to "Mannervarlu" Scheduled Tribe. Irrespective of this, on 09.02.2007, Respondent No.2 committee granted validity certificate of belonging to Mannervarlu Scheduled Tribe in favour of Shri Pandharinath Digambar Kamthewad, who is cousin uncle of the petitioner. Further, on 06.12.2017, and 07.12.2020 respectively, this Court passed orders in Writ Petition No.1035 of 2017 (Pratidnya Pandharinath Vs. State of Maharashtra and others and Writ Petition St. No. 22285 of 2020 (Haripriya Pandharinath Kamthewad Vs. State of Maharashtra and others) and granted conditional validity certificates of belonging to Mannervarlu Scheduled tribe in favour of those petitioners, who are paternal blood relatives of the petitioner. Respondent No.2 has not denied the blood relations between the validity holders and the petitioner.

7. Taking into consideration the law laid down 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, 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 petitioner is entitled to have a certificate of validity on the ground of parity. However, the respondent Committee passed the impugned order and invalidated the "Mannervarlu" Scheduled Tribe claim of the petitioner without cogent and substantial reason.

8. In view of above discussion, present petition deserves to be allowed and impugned order dated 28.06.2021 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 28.06.2021 passed by the Respondent No. 2 is hereby quashed and set aside.
- (iii) Respondent No. 2/Committee shall immediately issue tribe validity certificate in favour of the petitioner 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. KHOBRADE, J.)

(MANISH PITALE, J.)

JPChavan