



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9268 OF 2025

1. Asmita Hanmanlu Mukkerwar ... **Petitioners**
Age 19 years, Occu: Student
2. Veena Gangadhar Mukkerwar
Age 29 years, Occu: Student
Both R/o Kundalwadi Tq. Biloli
Dist. Nanded

VERSUS

1. The State of Maharashtra,
Through its Principal Secretary
Tribal Development Department,
Mantralaya, Mumbai 32
2. Scheduled Tribe certificate Verification ... **Respondents**
Committee, Kinwat Division
Headquarter at Chhatrapati Sambhajanagar,
Through its Member Secretary
3. The Sub Divisional Officer, Biloli, Nanded.

Mr. Sainath G. Jayewar, Advocate for the petitioners,
Mrs. Pratibha J. Bharad, AGP for the Respondents State

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

DATE : 22.08.2025

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

1. By the present petition under Article 226 of the Constitution of India, the Petitioners, who are paternal relatives, take exception to the order dated 16.06.2025 passed by Respondent No.2 Scrutiny

Committee, thereby invalidating their "Mannervarlu" Schedule Tribe Certificates.

2. The petitioners are intending to secure admission to the professional courses from the seat reserved for the Scheduled Tribe Category. Schedule of admissions has started as NEET(UG)/CET result is declared. Therefore, considering the urgency shown, the petition is taken up for disposal at the stage of admission.

3. The petitioners claim that they belong to "Mannervarlu" Scheduled Tribe. Their individual proposals were forwarded to Respondent No.2 Scrutiny Committee for validation of their tribe certificates. The petitioners have submitted various documents, including validity certificates of blood relatives, school entries etc. in support of their claims. However, by a common order dated 16.06.2025, the claims of the petitioners of belonging to "Mannervarlu" Scheduled Tribe are rejected by the Committee.

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

5. As per the genealogical tree, Devu Muukerwar, forefather of the petitioners had three sons namely Siddhana, Gangaram and Hanmanlu. Siddhana Devu Mukkerwar (great grandfather of the

petitioner No.1) had three children namely, Gangadhar (Motha), Bhagubai and Gangadhar (Chhota). Sindhu, Shankar, Saylu and Hanmanlu(father of Asmita- petitioner No.1) are the children of Gangadhar (Motha). Subham (validity holder), Sandip (validity holder) and Susmita are the children of Shankar. Veena is the daughter of Gangadhar (Chhota). In other branch of genealogical tree, Gangaram Devu Muukerwar has three children namely Lalabai, Bhagabai and Moglaji. Moglaji has six children namely Gangadhar, Shankar, Mohan, Sanjay, Gangamani and Laxmi. Anil, Veena (Petitioner No.2) and Sunil are the children of Gangadhar.

6. On face of record, it appears that on 29.01.2007, the Respondent Scrutiny Committee had granted validity certificate of belonging to Mannervarlu Scheduled tribe in favour of Sidram Gangaram Mukkerwar, cousin uncle of the petitioners. Further, this Court delivered an order on 07.10.2024 in Writ Petition Nos. 10779 of 2024 (Sandeep Shankar Mukkerwar Vs. State) and Writ Petition No. 11103 of 2024 (Shubham Shankar Mukkerwar Vs. State) and directed the respondent Scrutiny Committee to issue conditional validity certificates of belonging to "Mannervarlu" Scheduled Tribe in favour of Sandeep and Subham, cousins of the petitioners.

7. Respondent No.2 passed the impugned order and invalidated the scheduled tribe claim of the petitioners on the ground that paternal blood relatives of the petitioner obtained validity certificates on the basis of false document and concealment of original record and therefore, notice for revocation of their validity certificates was issued. However, as on today, the validity certificates of Mannervarlu Scheduled Tribe issued in favour of blood relatives of the petitioners, are still in operation. Admittedly, the validity holders are the blood relatives of the petitioner and the committee has not denied the same.

8. 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], 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. Therefore, considering parity with the blood relatives of the petitioners, the petitioners are entitled to have conditional validity subject to outcome

of the decision in the proceedings in respect of the blood relatives of the petitioners, which the committee has decided to reopen.

9. Learned counsel for the petitioners voluntarily submitted that blood relatives of the petitioners to whom the notice for revocation of validity has been served shall execute an undertaking before the Respondent No.2 Committee that they would regularly appear in the matter and shall cooperate with the Committee for early decision in the said matter.

10. The Petitioners appear to be the aspiring students for the 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 candidates from open category and no equity shall lie in their favour.

11. In view of above discussion, the present Petition deserves to be allowed partly and the impugned order dated 16.06.2025 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 on 16.06.2025, 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 undertaking before the Registrar (Judicial) of this Court as well as before the Scrutiny Committee and the Educational Institutions with whom they will take admissions 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) Sidram Gangaram Muukerwar, Sandeep Shankar Muukerwar and Shubham Shankar, blood relatives of the Petitioners, to whom the notice for revocation of validity has been served, shall furnish

undertaking before the Scrutiny Committee, stating that they will cooperate and appear before the Scrutiny Committee as and when called upon.

(Y. G. KHOBRADE, J.)

(MANISH PITALE, J.)

JPChavan