



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

970 WRIT PETITION NO. 9443 OF 2025

**NIDHI SATISH TOTAWAR THROUGH GUARDIAN
SATISH VITTHALRAO TOTAWAR**

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

AND

971 WRIT PETITION NO. 9444 OF 2025

SATISH VITTHALRAO TOTAWAR

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

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Advocate for the Petitioners : Mr. A.S. Golegaonkar a/w. M.L. Paithane h/f.
Golegaonkar Madhur A.

AGP for Respondents/State : Mr. R.K. Ingole & Ms. S.S. Joshi

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

DATE : 31st July, 2025

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

1. The Petitioner in Writ Petition No.9444/2025 is the father of the Petitioner in Writ Petition No.9443/2025.

2. By these petitions, the Petitioners take exception to the order dated 20.06.2025 passed by the Respondent No.2/Scrutiny Committee thereby invalidating their “Mannervarlu” Scheduled Tribe certificates.

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

4. Having regard to the rival submissions canvassed on behalf of both the sides, we have gone through the petition paper book. As per the genealogical tree, Shankar, Babu, Chandrakant, Vijay and Satish (Petitioner in Writ Petition No.9444/2025) are the real brothers. This Court passed the Judgment on 13.02.1994 in Writ Petition No.614/1994 and directed the Respondent No.2/Scrutiny Committee to issue Mannervarlu Scheduled Tribe validity in favour of Shankar. Ms. Sneha and Nikhil are children of Shankar, the Petitioner in Writ Petition No.614/1994. On 27.09.2024, this Court passed an order in Writ Petition No.10130/2024 (Sneha Shankarrao Totawar V/s. The State of Maharashtra & Ors.) with Writ Petition No.10132/2024 (Nikhil Shankarrao Totawar V/s. The State of Maharashtra & Ors.) and directed the Respondent No.2/Scrutiny Committee to issue Mannervarlu Scheduled Tribe validity certificates subject to outcome of recalling of validity granted in favour of Shankar.

5. The Respondent No.2/Scrutiny Committee has not denied the paternal blood relations between the Petitioners in both these petitions 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.

6. 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 in both these petitions are entitled to have a Scheduled Tribe Certificate on the ground of parity as per the law laid down in the above referred case laws. Therefore, we are inclined to

allow both the petitions partly. Accordingly, we proceed to pass the following order:

ORDER

- i. The impugned order dated 20.06.2025 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 a “Mannervarlu” Scheduled Tribe validity certificate to the Petitioners in both the petitions forthwith. However, the validities shall be subject to the final outcome of the matters which the Committee may decide to re-open.
- iii. Both the Writ Petitions are disposed of.

[Y.G. KHOBRAGADE, J.]

[MANISH PITALE, J.]