



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

943 WRIT PETITION NO. 9762 OF 2025

1. GANESH GANGADHAR BASAPURE
2. DIPIKA BABU BASAPURE

VERSUS.

THE STATE OF MAHARASHTRA AND OTHERS

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Mr. Sainath G. Gayewar, Advocate for the Petitioners
Mr. S. D. Ghayal, AGP for the Respondents – State

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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 03.07.2025, passed by Respondent No.2 Scrutiny Committee, invalidating “Mannervarlu” Scheduled Tribe certificate of the Petitioners.

2. Issue notice to the Respondents. Learned AGP waives notice on behalf of the Respondents – State Authorities.

3. The Petitioner No.1 is intending to secure admission to the professional course from the seat reserved for Scheduled

Tribe Category. Petitioner No.2 is in service. Schedule of admission to the professional courses has started as the result of entrance test is declared. Therefore, considering the extreme urgency shown, the Petition is taken up for disposal at the stage of admission.

4. As per the genealogical tree, Babanna Chinanna Basapure, the forefather of the Petitioner, had two sons, namely, Sidram and Chinanna. Govindabai and Ramesh are the children of Sidram. Pundlik is the son of Chinanna. Rohit is the son of Ramesh. Gangadhar and Babu are the sons of Pundlik. Ganesh (Petitioner No.1) and Jagdish are the sons of Gangadhar. Dipika (Petitioner No.2), Sarambh and Swapnil are the children of Babu.

5. On face of record, it appears that on 20.01.2025, the Scrutiny Committee has issued “Mannervarlu” Scheduled Tribe validity certificate in favour of Rohit Ramesh Basapure. On 19.06.2023, this Court in Writ Petition No.11731 of 2018 (Sourabh Babu Basapure and another Vs. The State of Maharashtra and others), has passed an order and directed the Scrutiny Committee to issue conditional validity certificates in favour of Sourabh and Swapnil, real brothers of the present Petitioner No.2 Dipika. Respondent No.2

Scrutiny Committee has not denied the paternal blood relations between the Petitioners and the other validity holders.

6. 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 a certificate of validity on the ground of parity, however, the 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 Scrutiny Committed decided to re-open.

7. Petitioner No.1 appears to be the aspiring student for the professional course. Therefore, he is called upon to furnish undertaking that, in case, his caste validity certificate is invalidated by the Scrutiny Committee, in that event, he shall pay the tuition fees

and admission fees applicable to the candidate from open category and no equity shall lie in his favour. Similarly, Petitioner No.2 who is in employment against the reserved category. Therefore, Petitioner No.2 is called upon to furnish an undertaking that, in case her caste certificate is invalidated by the Scrutiny Committee, in that event, no equity shall lie in her favour. In view of above discussion, the present Writ Petition deserves to be allowed partly and the impugned order dated 03.07.2025, 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 03.07.2025, 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 Petitioner No.1 shall furnish an undertaking before the Registrar (Judicial) of this Court as well as before the Scrutiny

Committee and the Educational Institution with whom he will take admission for professional course, indicating that in case his caste validity is revoked, he 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.]

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