



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

WRIT PETITION NO. 10347 OF 2025

1. Srushti d/o Gangadhar Totewad ... **Petitioners**
Age 18 years, Occu: Education
2. Sarthak s/o Gangadhar Totewad,
Age 14 years, Occu: Education,
Through his father- Gangadhar s/o Kondiba
Totewad, Age 48 years Occu: Service
R/o Bendri, Tq. Bhokar, Dist. Nanded

VERSUS

1. The State of Maharashtra,
Through its Secretary
Tribal Development Department,
Mantralaya, Mumbai 32
2. Scheduled Tribe certificate Verification ... **Respondents**
Committee, Kinwat
Headquarter at Chhatrapati Sambhajnagar,
Through its Member Secretary

Mr. Deepak D. Choudhari and Vijay G. Gangalwad, Advocates for the
petitioners,

Mr. S. V. Hange, AGP for the Respondents State

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

DATE : 19.08.2025

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 27.06.2025 passed by Respondent No.2 Scrutiny

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

2. Issue notice to the respondents. Learned AGP waives notice on behalf of both the respondents.

3. The petitioners are students and they are intending to secure admission to the professional courses from the seat reserved for the Scheduled Tribe Category. Therefore, considering the urgency shown, the petition is taken up for disposal at the stage of admission.

4. 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 27.06.2025, the claims of the petitioners of belonging to "Mannervarlu" Scheduled Tribe are rejected by the Committee.

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

6. As per the genealogical tree, Shri. Kondiba Kerba Totewad, the forefather of the petitioners had a son namely, Gangaram. Kondiba and

Mahadu are the sons of Gangaram. Gangabai, Gangadhar and Godavari are children of Kondiba. Petitioners- Shrushti and Sarthak are the children of Gangaram.

7. On 4th August 2017, Respondent No. 2, Scrutiny Committee issued “Mannervarlu” Scheduled Tribe Validity Certificate in favour of father of the petitioners. Respondent No. 2 has obtained the genealogical tree through the vigilance cell enquiry and the Committee has not denied the relationship between the present petitioners and Gangadhar, the father of the petitioners.

8. Indeed on 27.6.2025, Respondent No. 2 Scrutiny Committee passed the impugned order holding that Shri Gangadhar Kondiba Totewad, the father of present petitioners has obtained Validity Certificate by suppressing material facts and relying on the Validity Certificates of Madhav Pandurang Totewad and Umakant Dattatray Totewad, who are his paternal blood relatives. Therefore, the father of petitioners is served with the notice for revocation of his Validity Certificates. Needless to say that, Respondent no. 2 has not passed any adverse order in respect of the father of petitioners and said validity is still in operation.

9. 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 party 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.

10. 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.

11. 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.

12. In view of above discussion, the present Petition deserves to be allowed partly and the impugned order dated 27.06.2025 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 27.06.2025, 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 certificate 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.

(Y. G. KHOBRAGADE, J.)

(MANISH PITALE, J.)

JPChavan