



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10042 OF 2025

Venkatesh s/o Hanmant Machewad, ... **Petitioner**
Age 19 years, Occu: Student
R/o Shivangaon Tq. Umari 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
Headquarter at Chhatrapati Sambhajnagar,
Through its Deputy Director of Research
and Member Secretary

Mr. C. R. Thorat, Advocate for the petitioner,
Mr. R. K. Ingole, AGP for the Respondents State

CORAM : MANISH PITALE &
Y. G. KHOBRADE, JJ.
DATE : 19.08.2025

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

1. The challenge in the present Petition is to the order dated 09.10.2024, passed by Respondent No.2 Scrutiny Committee, invalidating “Mannervarlu” Scheduled Tribe claim of the Petitioner.

2. Issue notice to the respondents. Learned AGP waives notice for both the respondents.

3. The petitioner is intending to secure admission to the professional course from the seat reserved for the Scheduled Tribe Category. Schedule of admissions has started as CET result is declared. Therefore, considering the extreme urgency shown, the petition is taken up for disposal at the stage of admission.

4. Heard both sides at length.

5. As per the genealogical tree, forefather of the petitioner namely Kondji Machewad had two sons namely Vyankatrao and Ganpatrao. Sahebrao is the son of Vyankatrao. Eknath (validity holdder) is the son of Ganpatrao. Hanmant, father of the petitioner is son of Sahebrao.

6. On face of record, it appears that on 18.08.2005, Respondent No.2 Scrutiny Committee had granted validity certificates of belonging to Mannervarlu Schedule Tribe in favour of Eknath Ganpatrao Machewad, cousin grandfather of the petitioner. Further, on 10.03.2010, Respondent No.2 Scrutiny Committee had granted validity certificates of belonging to Mannervarlu Schedule

Tribe in favour of Hanmant Sahebrao Machewad, father of the petitioner.

7. Respondent No.2 passed the impugned order and invalidated the scheduled tribe claim of the petitioner on the ground that the petitioner has failed to prove the affinity test. Admittedly, the validity holders are the blood relatives of the petitioner and the committee has not denied the same.

8. Since the paternal blood relatives, including father of the Petitioner are having “Mannervarlu” Scheduled Tribe validity Certificates, considering the parity, the Petitioner is also entitled to have “Mannervarlu” Scheduled Tribe Validity Certificate.

9. 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 Petitioner is entitled to have the certificate of validity.

10. The Petitioner appears to be the aspiring student for the professional course. Therefore, he is called upon to furnish undertaking that, in case, his tribe validity certificate is invalidated by the Scrutiny Committee, in that event he shall pay the tuition fees and admission fees applicable to the candidates from open category and no equity shall lie in his favour.

11. In view of above discussion, the present Petition deserves to be allowed partly and the impugned order dated 09.10.2024 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 09.10.2024, 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 certificate in favour of the Petitioner, 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 the his blood

relatives, if any, proposed by the Scrutiny Committee.

- (b) The Petitioner shall furnish 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 Petitioner shall not claim any equity.
- (d) The Petitioner shall cooperate with the Scrutiny Committee.

(Y. G. KHOBRAGADE, J.)

(MANISH PITALE, J.)

JPChavan