



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

WRIT PETITION NO. 9428 OF 2025

**APEKSHA SAHEBRAO AKULWAR
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

....
Mr. Pratap V. Jadhavar, Advocate for the Petitioner
Mr. V. M. Kagne, AGP for the Respondents – State
....

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

DATE : 07.08.2025

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

1. Heard the learned counsel for the Petitioner and the learned AGP for the Respondents. With consent of both the sides, the matter is heard finally at the stage of admission.

2. The challenge in the present Petition is to the order dated 23.07.2025, passed by Respondent No.2 Scrutiny Committee, invalidating “Mannervarlu” Scheduled Tribe claim of the Petitioner.

3. As per the genealogical tree, the forefather of the Petitioner Balanna Akulwar had two sons, nemaly, Baganna and Sayanna. Balaji and Hanmant are the sons of Baganna. Satish and Sanjaykumar are the sons of Balaji. Suryakant, Chandrakant and Umakant, are the sons of Hanmant. Lachhiram and Lachhmanna are the sons of Sayanna. Gangaram and Ramlu are the sons of Lachhiram. Linguram and Maroti are the sons of Lachamanna. Sahebrao and Sunanda are the children of Linguram. The Petitioner is the daughter of Sahebrao.

4. This Court has passed an order on 24.07.2019 in ***Writ Petition No.9075 of 2019 (Akanksha Sahebrao Akulwar and another Vs. The State of Maharashtra and others)*** and directed the Scrutiny Committee to issue conditional validity certificates belonging to “Mannervarlu” Scheduled Tribe, in favour of the real sisters of the Petitioner. Apart from this, on 03.06.2010, 25.04.2011, 28.06.2007, 28.03.2008, the Scrutiny Committee granted “Mannervarlu” Scheduled Tribe validity certificates in favour of Sahebrao (father of the Petitioner), Sunanda, Sanjaykumar and Maheshkumar, respectively.

5. Respondent No.2 Scrutiny Committee has not disputed the paternal blood relationship between the Petitioner and the other scheduled tribe validity holders in pursuance of the orders passed by this Court as well as by Respondent No.2 Scrutiny Committee. Therefore, the Petitioner is also entitled to have validity certificate on the ground of parity. As per 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.

6. Needless to say that this Court has passed various orders and granted conditional validity certificates in favour of the paternal blood relatives of the Petitioner. Therefore, the Petitioner is also entitled to have conditional validity certificate subject to the final outcome of the matters which the Committee has decided to reopen.

7. The Petitioner appears to be an aspiring student for the professional course. Therefore, she is called upon to furnish undertaking that, in case, her caste validity certificate is invalidated by the Scrutiny Committee, in that event she shall pay the tuition fees and admission fees applicable to the candidate from open category and no equity shall lie in her favour. In view of above discussion, the present Petition deserves to be allowed partly and the impugned order dated 23.07.2025 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 23.07.2025, 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 certificate in favour of the Petitioner, 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 her blood relatives 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 she will take admission for professional course, indicating that in case her caste validity is revoked, she 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.]

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