



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

WRIT PETITION NO. 9755 OF 2025

1. Dinesh/o Gangadhar Guttuwar ... **Petitioners**
Age 27 years Occu: Student
2. Mahesh s/o Gangadhar Guttuwar
Age: 31 years, Occu: Student
3. Ashwini d/o Gangadhar Guttuwar
Age 34 years, Occu: Student
4. Jui d/o Laxman Gattuwar
Age 17 years, Occu: Student
Through the natural guardian i.e. father
Laxman Gangadhar Gattuwar
All R/o Kundalwadi Tq. Biloli 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 Sambhajinagar,
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. KHOBRAGADE, JJ.**

DATE : **08.08.2025**

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

1. The challenge in the present Petition is to the order dated 22.07.2025, passed by Respondent No.2 Scrutiny Committee, invalidating “Mannervarlu” Scheduled Tribe Certificates of the Petitioners.

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

3. Petitioner Nos. 1 to 3 are real brothers and sister and Petitioner No. 4 is their cousin. The petitioners claim that they belong to Mannervarlu Schedule Tribe category. The petitioners are students and require the validity certificates for their respective education purposes. Therefore, considering the 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, Dharmapuri Gattuwar, forefather of the petitioners, had two sons namely, Narsimalu and Potanna. Dharmapuri, Dharmaji and Vankati are the sons of Narsimalu. Govind and Gangadhar are sons of Dharmapuri. Swapnil and Pooja (validity holders) are the daughters of Govind.

Dinesh (Petitioner No.1), Mahesh (Petitioner No.2) and Ashwini (Petitioner No.3) are the children of Gangadhar. In another branch of genealogy, Laxman, Potanna, Surekha and Kashinath are the children of Gangadhar Potanna Gattuwar. Petitioner No.4- Jui is the daughter of Laxman Gangadhar Gattuwar.

6. On face of record, it appears that this Court delivered an order on 04.09.2024 in Writ Petition No. 9621 of 2024 (Pooja Govind Gattuwar and Swapnil Govind Gattuwar Vs. State of Maharashtra and another) and directed the respondent Scrutiny Committee to issue conditional validity certificates in favour of Pooja and Govind (cousins of the petitioners, of belonging to "Mannervarlu" Scheduled Tribe.

7. Since the paternal blood relatives of the Petitioners, including cousins are having "Mannervarlu" Scheduled Tribe validity certificates, considering the parity, the Petitioners are also entitled to have "Mannervarlu" Scheduled Tribe validity certificate. However, such validity shall be subject to the outcome of the decision in the proceeding in respect of blood relatives of the Petitioner, which the Respondent No.2 decided to re-open.

8. 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 the certificate of validity.

9. The Petitioners appear to be the aspiring students for the various 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 candidate from open category and no equity shall lie in their favour.

10. In view of above discussion, the present Petition deserves to be allowed partly and the impugned order dated 22.07.2025 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 22.07.2025, 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 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