



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10068 OF 2025

1. SHUBHAM SHIVRAM BOGULWAR
2. SUJATA SHIVRAM BOGULWAR

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Mr. S. S. Phatale, Advocate for the Petitioners

Ms Saie S. Joshi, 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 16.06.2025, passed by Respondent No.2 Scrutiny Committee, invalidating “Mannervarlu” Scheduled Tribe certificate of the Petitioners.

2. Issue notice to the Respondents. The learned AGP waives notice on behalf of both the Respondents.

3. Petitioner No.1 is intending to secure admission to the Engineering course and Petitioner No.2 is intending to secure

admission for B.Ed. Course from the seat reserved for Scheduled Tribe category. Therefore, considering the extreme urgency shown, the Petition is taken up for disposal at the stage of admission.

4. Heard both the sides at length.

5. As per the genealogical tree, Shiva Bogulwar, the forefather of the Petitioners, had two sons, namely, Lachhamanna and Balanna. Poshatti is the son of Lachhamanna. Balu is the son of Balanna. Nagnath, Laxman, Shivram and Subhash are the sons of Poshatti. Gangadhar and Govind, are the sons of Balu. Ganesh and Girish are the sons of Gangadhar. Vaibhav is the son of Govind. Smita, Sujata(Petitioner No.2), Nikita, Shubhangi and Shubham (Petitioner No.1), are the children of Shivram. Ajinkya is the son of Subhash.

6. On face of record, it appears that on 16.11.2005 and 29.05.2007, the Respondent No.2 Scrutiny Committee has granted “Mannervarlu” Scheduled Tribe validity certificate in favour of Ganesh Gangadhar Bogulwar and Gangadhar Balu Bogulwar.

7. This Court passed an order dated 02.08.2024 in Writ Petition No.12596 of 2021 (Ajinkya Subhashrao Bogulwar Vs. The

State of Maharashtra), Writ Petition No.12592 of 2021 (Ankita Subhashrao Bogulwar Vs. The State of Maharashtra) and Writ Petition No.12605 of 2021 (Subhash Poshatti Bogulwar Vs. The State of Maharashtra), and directed the Scrutiny Committee to issue conditional validity certificates in favour of the Petitioners therein, subject to outcome of re-verification of validity certificate of their paternal blood relative Gangadhar.

8. The Respondent No.2 Scrutiny Committee has not denied the paternal blood relations between the Petitioners and other conditional validity holders. Therefore, 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 certificates of validity.

9. The Petitioners to be aspiring student for professional course. Therefore, they is 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. In view of above discussion, the present Writ Petition deserves to be allowed partly and the impugned order dated 16.06.2025, passed by Respondent No.2 Scrutiny Committee, needs to be quashed and set aside, **to the extent of present Petitioners**. Accordingly, we proceed to pass the following order:-

ORDER

- (i) The Writ Petition is partly allowed.
- (ii) The impugned order dated 16.06.2025, passed by Respondent No.2 Scrutiny Committee is hereby quashed and set aside, **to the extent of present Petitioners**.
- (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 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 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.]

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