



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

WRIT PETITION NO. 9856 OF 2025

NIKITA ASHOKRAO BODHANKAR

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

....

Mr. Sunil M. Vibhute, Advocate for the Petitioner

Mr. S. K. Tambe, AGP for the Respondents – State

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**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 04.08.2025, passed by Respondent No.2 Scrutiny Committee, invalidating “Mannervarlu” Scheduled Tribe claim of the Petitioner.

3. As per the genealogical tree, Shri Narayan Vithoba Bodhankar, was having three sons, namely, Maroti, Vitthal,

Ramchandra. Achut, Nirmala and Anant are the children of Maroti. Gangadhar, Ashok and Balaji are the sons of Vitthal. Pralhad is the son of Ramchandra. Surekha, Savita, Satish and Sandip are the children of Gangadhar. Shubham and Nikita (present Petitioner) are the children of Ashok. Omkar and Avishkar are the children of Balaji. Santosh and Sainath are the sons of Pralhad.

4. On face of record, it appears that on 14.12.2009, the Scrutiny Committee has issued “Mannervarlu” Scheduled Tribe validity certificate in favour of Pralhad Ramchandra Bodhankar, the cousin uncle of the Petitioner. On 18.04.2011, the Scrutiny Committee has granted “Mannervarlu” validity certificate in favour of Ashok Vithalrao Bodhankar, the natural father of the Petitioner. On 08.02.2012, this Court has passed the order in ***Writ Petition No.566 of 2022 (Shubham Ashok Bodhankar Vs. The State of Maharashtra and others)*** considering that the nine paternal blood relatives of the Petitioner are holding “Mannervarlu” Scheduled Tribe validity certificates, and directed the Scrutiny Committee to issue “Mannervarlu” Scheduled Tribe conditional validity certificates. Further, on 01.11.2023, this Court has passed the order in ***Writ Petition No.11860 of 2023 (Sandip S/o Gangadhar Bodhankar and***

another Vs. The State of Maharashtra and another, and directed the Scrutiny Committee to issue “Mannervarlu” Scheduled Tribe, conditional validity certificate in favour of the blood relatives of the Petitioner. Again, on 28.11.2024, this Court has passed the order in *Writ Petition No.12952 of 2024 (Savita Gangadhar Bodhankar Vs. The State of Maharashtra and others)*, and directed the Scrutiny Committee to issue “Mannervarlu” Scheduled Tribe validity certificate in the prescribed format.

5. Since the paternal blood relatives of the Petitioner, including her natural father and real brother are having “Mannervarlu” Scheduled Tribe validity certificates, therefore, considering the parity, the Petitioner is 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 decides to re-open.

6. 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.

7. The Petitioner appears to be the 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 04.08.2025 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 04.08.2025, 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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