



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

WRIT PETITION NO. 9879 OF 2025

1. SHRADDHA BALAJI MITTEWAD
2. SHRAVANI MAHESH MITTEWAD
3. MAHESHWARI BALAJIRAO MITTEWAD

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Mr. Pratap V. Jadhavar, Advocate for the Petitioners
Mr. V. M. Kagne, 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 Petitioners and the learned AGP for the Respondents. With consent of both the parties and considering the exigency about requirement to furnish Scheduled Tribe validity certificates of the Petitioners for admission purpose to the professional courses, the Petition being heard finally at the admission stage.

2. The challenge in the present Petition is to the order dated 31.07.2025, passed by Respondent No.2 Scrutiny Committee, invalidating “Mannervarlu” Scheduled Tribe claim of the Petitioners.

3. As per the genealogical tree, Shri Hanmantrao Mittewad, was having two sons, namely, Yalappa and Santuka. Satwadi and Narsing are the sons of Yalappa. Mashnaji and Santuka are the sons of Satwaji. Hanmantrao, Nagnath, Vitthal, Nivrutti and Namdeo, are the sons of Mashnaji. Govind is the son of Santuka. Balaji is the son of Govind. The Petitioner No.3 Maheshwari is the daughter of Balaji. As per the another branch of genealogical tree, Shamrao is the son of Santuka. Parvatbai, Anjanbai, Santukrao and Gangabai, are the children of Shamrao. Petitioner No.1 Shraddha is the daughter of Balaji and Petitioner No.2 Shravani is the daughter of Mahesh and grand-daughter of Santukrao.

4. On face of record, it appears that this Court as well as Respondent No.2 Scrutiny Committee have passed various orders and granted “Mannervarlu” Scheduled Tribe validity certificates in favour of paternal blood relatives of the Petitioners, as under:-

AS PER THE ORDER OF THE HIGH COURT

1. Poonam Balaji Mitthewad (W.P. No.9952 of 2023) (Real sister of Petitioner No.1)
2. Priti Nivrutti Mitthewad (W.P. No.8815 of 2019)
3. Pranit Nivrutti Mitthewad (W.P. No.8815 of 2019)
4. Manish Nivrutti Mitthewad (W.P. No.8815 of 2019)
5. Balasaheb Hanumant Mitthewad (W.P. No.8815 of 2019)
6. Priyanka Balasaheb Mitthewad (W.P. No.8815 of 2019)
7. Samiksha Ganesh Mitthewad (W.P. No.6296 of 2024)

AS PER THE ORDER OF THE SCRUTINY COMMITTEE

1. Balaji Govind Mitthewad (Father of Petitioner No.3), order dated 17.11.2004;
2. Ramchandra Santukrao Mitthewad, order dated 26.09.2010;
3. Balaji Santukrao Mitthewad (Father of Petitioner No.1), order dated 15.03.2018;
4. Mahesh Santukrao Mitthewad (Father of Petitioner No.2), order dated 28.05.2009.

5. Respondent No.2 Scrutiny Committee has not disputed the paternal blood relationship between the Petitioners 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 Petitioners are also entitled to have validity certificates

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 Petitioners are entitled to have the certificates 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 Petitioners. Therefore, the Petitioners are also entitled to have conditional validity certificates subject to the final outcome of the matters which the Committee has decided to reopen.

7. The Petitioners appear to be the aspiring students for the professional courses. Therefore, they are called upon to furnish undertaking that, in case, their caste validity certificate is 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 Petition deserves to be allowed partly and the impugned order dated 31.07.2025 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 31.07.2025, 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 Institution with whom they 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. KHOBRADE, J.]

[MANISH PITALE, J.]

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