



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9919 OF 2025

Anikta d/o Maroti Dasarwad ... **Petitioner**
Age 19 years, Occu: Education
R/o Dhanora (Bk) Tq. Umari 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

Mr. S. M. Vibhute, Advocate for the petitioner,
Mr. R. K. Ingole, AGP for the Respondents State

CORAM : **MANISH PITALE &**
Y. G. KHOBRADE, JJ.
DATE : **08.08.2025**

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

1. 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 Certificate of the Petitioner.

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

3. The petitioner is intending to secure admission to the medical course from the seat reserved for the Scheduled Tribe Category. Schedule of admissions has started as NEET result is declared. Therefore, considering the extreme 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, Gangaram Limbadri Dasarwad, grandfather of the petitioner, has three sons namely Digangar, Subhash and Maroti. Gangakisan and Gajanan (validity holders) are the sons of Digambar. Archana, Shrinivas and Ashwini are the children of Subhash. Avinash, Ankita (Petitioner) and Akash are the children of Maroti Gangaram Dasarwad.

6. On face of record, it appears that on 03.08.2011, the Respondent No.2 Scrutiny Committee granted validity certificate of belonging to Mannervarlu Schedule tribe in favour of Gajanan Digamber Dasarwad, cousin brother of the petitioner. Respondent No.2 passed the impugned order and invalidated the scheduled tribe claim of the petitioner on the ground that paternal blood relative of

the petitioner obtained validity certificate on the basis of false document and concealment of original record and therefore, notice for revocation of his validity certificate was issued. However, as on today, the validity certificate of Mannervarlu Scheduled Tribe issued in favour of Gajanan- cousin brother of the petitioner, is still in operation. Admittedly, the validity holder is the blood relative of the petitioner and the committee has not denied the same.

7. Since the paternal blood relative of the Petitioner is having “Mannervarlu” Scheduled Tribe Validity Certificates, 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 relative 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 Petitioner is entitled to have the certificate of validity.

9. 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.)

JPChavan