



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

WRIT PETITION NO. 10476 OF 2025

Shrushti Jagdish Mandalwar ... **Petitioner**
Age 17 years, Occu: Student
Through her guardian
Jagdish Shivaji Mandalwar
Age 50 Years, Occu: Service
R/o Sarsam Bk. Tq. Himayatnagar,
Dist. Nanded

VERSUS

1. The State of Maharashtra,
Through its Secretary
Tribal Development Department,
Mantralaya, Mumbai 32
2. Scheduled Tribe Certificate Scrutiny ... **Respondents**
Committee, Kinwat Division,
Chh. Sambhajinagar Through its Member
Secretary
3. The Sub Divisional Officer,
Hadgaon

Mr. Manish Paithane h/for Mr. M. A. Golegaonkar, Advocate for the
petitioner,
Mrs. Saie S. Joshi, AGP for the Respondents State

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

DATE : 22.08.2025

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

1. The challenge in the present Petition is to the order dated
11.08.2025, 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 for all the respondents.

3. The petitioner is a student and requires validity for education purpose. The petitioner is intending to secure admission to professional course from the seat reserved for the Scheduled Tribe Category. 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, Gajenna Narsinga Mandalwar, grandfather of the petitioner has two sons namely, Shivaji Gajenna Mandalwar and Rajeshwar Gajenna Mandalwar. Gajdish Shivaji Balaji (validity holder) is father of the petitioner. Shivaji has three sons namely Jagdish Bhagwan and Devanand. Petitioner Shrushti is the daughter of Jagdish.

6. On face of record, on 07.03.2001, Respondent No.2 Scrutiny Committee granted validity certificate of belonging to Mannervarlu Schedule Tribe in favour of Jagdish Shivaji Mandalwar, father of the petitioner. On face of record, on 29.11.2005, Respondent No.2 Scrutiny Committee granted validity certificate of belonging to Mannervarlu Schedule Tribe in favour of Bhagwan Shivaji Mandalwar, real uncle of

the petitioner. Further, by order dated 01.12.2008, Respondent No.2 Scrutiny Committee validated tribe claim of belonging to Mannervarlu Schedule Tribe of Devanand Shivaji Mandalwar, real uncle of the petitioner. It appears that Scrutiny Committee Respondent No.2 Scrutiny Committee has also granted validity certificates of belonging to Mannervarlu Schedule Tribe in favour of Varsha Prathmesh Mandalwar and Dhanshri Prathmesh Mandalwar, cousin sisters of the petitioner.

7. Respondent No.2 passed the impugned order and invalidated the scheduled tribe claim of the petitioners on the ground that paternal blood relatives of the petitioner obtained validity certificates on the basis of false document and concealment of original record and therefore, notice for revocation of their validity certificates was issued. However, as on today, the validity certificates of Mannervarlu Scheduled Tribe issued in favour of the blood relative including father and real uncles of the petitioner are still in operation. Admittedly, the validity holders are the blood relatives of the petitioner and the Committee has not denied the same.

8. Since the paternal blood relatives of the Petitioner are having “Mannervarlu” Scheduled Tribe validity certificate, 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.

9. Learned counsel for the petitioner voluntarily submitted that blood relatives of the petitioner to whom the notice for revocation of validity has been served shall forthwith execute an undertaking before the Respondent No.2 Committee that he would regularly appear in the matter and shall cooperate with the Committee for early decision in the said matter.

10. 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.

11. 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 candidates from open category and no equity shall lie in her favour.

12. In view of above discussion, the present Petition deserves to be allowed partly and the impugned order dated 11.08.2025, 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 11.08.2025, 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.

(v) Mr. Jagdish Shivaji Mandalwar, Bhagwan Shivaji Mandalwar, Devanand Shivaji Mandalwar and other blood relatives of the Petitioner, to whom the notice for revocation of validity has been served, shall furnish undertaking before the Scrutiny Committee, stating that they will cooperate and appear before the Scrutiny Committee as and when called upon

(Y. G. KHOBRAGADE, J.)

(MANISH PITALE, J.)

JPChavan