



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

945 WRIT PETITION NO. 10756 OF 2025

MAHESH RAMDAS GADEWAD
VERSUS
THE STATE OF MAHARASHTRA
THROUGH ITS SECRETARY AND OTHERS

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Advocate for the Petitioner : Mr. Manish Paithane h/f.
Golegaonkar Madhur A.
AGP for Respondents/State : Mr. S.P. Sonpawale

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CORAM : MANISH PITALE &
Y.G. KHOBRAGADE, JJ.

DATE : 16th September, 2025

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

1. The challenge in the present Petition is to the order dated 14th August, 2025, passed by Respondent No.2 Scrutiny Committee in thereby invalidating “Mannervarlu” Scheduled Tribe claim of the Petitioner.
2. Issue notice to the respondents. Learned AGP waives notice on behalf of all the Respondents.
3. The Petitioner claims that he belongs to Mannervarlu Schedule Tribe and he is intending to secure admission to professional course from the seat reserved for the Scheduled Tribe Category.

Schedule of admissions has started as CET result is declared. Therefore, considering the urgency shown, the petition is taken up for disposal at the stage of admission.

4. Having regard to the submissions canvassed on behalf of both the sides, we have gone through the record.

5. As per genealogical tree, the Petitioner's forefather Rajenna had one son Baba. Piraji is father of Mahajan. Shobhabai, Sushilabai, Ramdas (Petitioner's father), Piraji, Rajabai, Minabai and Mirabai are children of Mahajan. Mahesh, Pratik, Mayuri, Ambika and Shivprasad are children of Ramdas.

6. On face of record, it appears that on 07.01.2008, the Scrutiny Committee had granted validity certificate of belonging to Mannervarlu Schedule Tribe in favour of Ramdas Mahajan Gadewad, father of the Petitioner. Needles to say that on 29.12.2007 the Respondent No.2 Scrutiny Committee passed a reasoned order while granting Mannervarlu Scheduled Tribe validity certificate, after taking into consideration the revenue record i.e. Pahni Patrak of 1352 Fasli in Urdu (year 1943), wherein, the caste of the grandfather of the Petitioner Piraji Baba is mentioned as Mannervarlu. So also, the father of the Petitioner relied on the validity certificate of his maternal uncle which

does not fall within the ambit of blood relatives and granted validity certificate on 07.01.2008.

7. Respondent No.2 passed the impugned order and invalidated the scheduled tribe claim of the Petitioner on the grounds the Petitioner has failed to prove the affinity test and that the paternal blood relatives of the Petitioner obtained validity certificates on the basis of false documents 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 father of the Petitioner is still in operation. Admittedly, the validity holder is natural father of the Petitioner and the Respondent No.2 Committee has not denied said relations.

8. In cases of ***Mah. Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra & Ors.; AIR 2023 S.C. 1657, Shweta Balaji Isankar V/s. 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,*** 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. Therefore, considering parity with the blood relatives of the petitioner, the

Petitioner is entitled to have conditional validity subject to outcome of the decision in the proceedings in respect of the blood relatives of the Petitioner, which the committee has decided to reopen.

9. Learned counsel for the Petitioner voluntarily submitted that the Petitioner's father who is served with notice for revocation of validity is ready and willing to 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. The Petitioner appears to be the aspiring student for the professional course. Therefore, he is called upon to furnish undertaking that, in case, his tribe validity certificate is invalidated by the Scrutiny Committee, in that event he shall pay the tuition fees and admission fees applicable to the candidates from open category and no equity shall lie in his favour.

11. In view of above discussion, the present Petition deserves to be allowed partly and the impugned order dated 14th August, 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 14th August, 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 certificate shall be subject to the outcome of the re-verification of the validity certificates of the his blood relatives, if any, 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 he will take admission for professional course, indicating that in case his caste validity is revoked, he 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.

iv) Ramdas Gadewad, father of the Petitioner, to whom the notice for revocation of validity has been served, shall furnish undertaking before the Scrutiny Committee on or before 22.09.2025, stating that he will cooperate and appear before the Scrutiny Committee as and when called upon.

(Y. G. KHOBRADE, J.)

(MANISH PITALE, J.)

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