



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

3 WRIT PETITION NO. 10580 OF 2025

MALDODE SHREEGANESH SUNIL

VERSUS

STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

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Mr. R.K. Mendadkar and Mr. Vijay Gangalwad – Advocate for Petitioner
Mr. A.B. Girase – GP Respondent Nos.1 and 2, State
Mr. Sachin V. Kuphelkar – Advocate for Respondent No.3

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

DATE : 25.08.2025

ORDER (PER : Y.G. KHOBRAGADE, J.) :-

1. By the present petition, the petitioner takes exception to the order dated 19.08.2025 passed by respondent No.2 – Scrutiny Committee, thereby invalidating his ‘Mannervarlu’ Scheduled Tribe claim.
2. Issue notice to the respondents. The learned A.G.P. waives service of notice on behalf of respondent Nos.1 and 2 and learned Counsel – Mr. Sachin V. Kuphelkar for respondent No.3.
3. Considering the urgency, the matter is taken up for final disposal at the motion stage. Heard both sides at length.
4. Having regard to the rival submissions canvassed on behalf of both sides, we have perused the petition paper book. Needless to say that, the

petitioner is the aspiring student of a professional engineering course and he requires tribe validity certificate for the purpose of admission.

5. As per the genealogical tree, Shri. Rajaram Kondiba Maldode, great-grandfather of the petitioner, had five sons, namely Bhimrao, Ramrao, Arjun, Sambhaji and Rukmaji. Sangeeta, Sunil, Savita and Sunita are the children of Bhimrao. Surekha, Balaji, Gopal, Mira and Anita are the children of Ramrao. Rajkumar and Vijay are the sons of Arjun. Rajeshwar, Suryakant, Sudheer, Vanmala, Chandrakal, Devanand, Shivaji and Yashwant are the children of Sambhaji. Premala, Sudhakar, Nirmala, Susheela and Madhukar are the children of Rukmaji. Shreeganesh (the present Petitioner) and Vijayalaxmi are the children of Sunil. Akshara, Rupali and Vijay are the children of Balaji. Arpita, Tanvi and Rudra are the children of Gopal. Sanjay, Dhananjay, Jyoti and Mahesh are the children of Rajeshwar. Madhuri, Balaji and Akash are the children of Suryakant. Asha, Usha, Sainath and Santosh are the children of Sudheer. Megha and Nandini are the daughters of Devanand. Shubham, Anuja are the children of Shivaji. Ranjeet and Vaishnavi are the children of Yashwant. Rahul and Shekhar are the sons of Sudhakar. Shravani and Shrikar are the children of Madhukar.

6. On the face of record, it appears that a Division Bench of this Court passed orders in Writ Petition No.7617 of 2018 (**Nandini Devanand Maldode Vs. The State of Maharashtra and Ors.**), in Writ Petition No.561

of 2023 (**Kum. Megha Devanand Maldode Vs. The State of Maharashtra and Anr.**), in Writ Petition No.8677 of 2024 (**Shekhar Sudhakar Maldode Vs. The State of Maharashtra Through its Secretary and Anr.**), in Writ Petition No.8678 of 2024 (**Yeshwant Sambhaji Maldode Vs. The State of Maharashtra Through its Secretary and Anr.**), in Writ Petition No. 8681 of 2024 (**Shravani Madhukar Maldode through guardian Madhukar Rukmajirao Maldode Vs. The State of Maharashtra Through its Secretary and Anr.**) and in Writ Petition No.4574 of 2025 (**Arpita Gopal Maldode and Anr. Vs. The State of Maharashtra and Anr.**), and granted conditional validities of belonging 'Mannervarlu' Scheduled Tribe in favour of petitioners therein. The respondent No. 2 – Scrutiny Committee has not denied the paternal blood relations between the present petitioner and the other validity holders. However, by the impugned order dated 18.08.2025, respondent No.2 – Scrutiny Committee held that the paternal blood relatives had obtained the Scheduled Tribe Certificates by suppressing material facts and on the basis of false information. Therefore, the validity holders are served with notices for revocation of validities. However, it is not in dispute that the respondent No.2 – Scrutiny Committee has not invalidated or revoked the said validities issued in favour of paternal blood relatives of the petitioners.

7. Considering the law laid down in the cases of **Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and Ors.**,

reported in AIR 2023 SC 1657, **Shweta Balaji Isankar Vs. State of Maharashtra and Ors.**, reported in 2018 SCC Online Bom. 10341, **Apoorva Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1 and Ors.**, reported in 2010(6) Mh.L.J. 401, wherein it has been held 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 be issued a validity certificate. However, the said validity shall be co-terminus with the decision in the matter which the Committee may decide to reopen.

8. Learned Counsel appearing for the petitioner submitted that the blood relatives, namely, Vaishnavi Yashwantrao Maldode, Nandini Devanand Maldode and Bankam Balaji Maldode, have been served with notices for revocation of their validities. It is submitted that the said blood relatives of the petitioner are voluntarily ready and willing to execute undertakings before the respondent No.2 – Scrutiny Committee, undertaking to cooperate in the decision regarding revocation of their validities. In these circumstances, it would be just and proper to call upon Vaishnavi Yashwantrao Maldode, Nandini Devanand Maldode and Bankam Balaji Maldode to file separate undertakings before respondent No.2 – Scrutiny Committee, within a period of one week from today, stating that they will cooperate with the said Committee in respect of the

invalidation of the tribe proceedings.

9. Since the petitioner appears to be an aspiring candidate for admission to a professional engineering course and intends to secure admission under the Scheduled Tribe (ST) reserved category, he is directed to furnish an undertaking that, in the event his claim is invalidated by respondent No. 2 – Scrutiny Committee, he shall pay the tuition and admission fees applicable to a candidate from the open category and no equity shall lie in his favour.

10. In view of the above discussion, the present petition deserves to be partly allowed and the impugned order dated 19.08.2025 passed by the 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 19.08.2025 passed by the 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 the following conditions :

(a) The caste validity certificate shall be subject to the outcome of the re-verification of the validity certificates of his blood relatives, as proposed by the Scrutiny Committee.

(b) The petitioner shall furnish an undertaking before the Registrar (Judicial) of this Court, as well as before respondent No.2 – Scrutiny Committee and the Educational Institution with which he seeks admission for a professional engineering course, stating that in the event his caste validity is revoked, he shall deposit the the tuition fees and other charges applicable to candidates from the open category.

(c) The petitioner shall not claim any equity.

(d) The petitioner shall cooperate with the Scrutiny Committee.

iv. Vaishnavi Yashwantrao Maldode, Nandini Devanand Maldode and Bankam Balaji Maldode, who are blood relatives of the petitioner, shall furnish undertakings before respondent No.2 – Scrutiny Committee immediately, stating that they will cooperate and appear before the Scrutiny Committee as and when called upon.

v. The writ petition is disposed of. Pending applications, if any, also stand disposed of.

(Y. G. KHOBRAGADE, J.)

(MANISH PITALE, J.)