



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

WRIT PETITION NO. 10648 OF 2025

1 SUSHANT OMPRAKASH MANDEWAD

2 VAIBHAV OMPRAKASH MANDEWAD

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Mr. Ghanshyam K. Chinchole, Advocate for the Petitioners

Mr. R. K. Ingole, AGP for the Respondents – State

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

DATE : 03.09.2025

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

1. The Petitioners who are the real brothers, have challenged the common order dated 20.08.2025, passed by Respondent No.2 Scrutiny Committee, invalidating their “Koli Mahadev” Scheduled Tribe certificates.

2. The Petitioners are the aspiring students and intend to secure admission for professional courses. Therefore, considering the extreme urgency shown, the Petition is taken up for disposal at the stage of admission.

3. Issue notice to the Respondents. The learned AGP waives notice on behalf of the Respondents State.

4. Heard both the sides at length.

5. As per the genealogical tree, Hanmant Mandewad, the forefather of the Petitioners has one son, namely, Kondiba. Gyanoba is the son of Kondiba. Ramchandra, Pralhad, Lahu, Ankush, Surekha and Omprakash are the children of Gyanoba. Vaibhav (Petitioner No.1), Prerna and Sushant (Petitioner No.1) are the children of Omprakash.

6. On face of record, on 22.06.2010, the Scrutiny Committee has granted validity certificate of belonging to “Koli Mahadev” Scheduled Tribe in favour of Omprakash Gyanoba Mandewad, the father of the Petitioners. So also, in ***Writ Petition No.11385 of 2021 (Prerna d/o Omprakash Mandewad Vs. The State of Maharashtra and others)***, this Court passed the order dated 09.08.2023 and directed the Scrutiny Committee to issue validity certificate to the Petitioner therein as belonging to “Koli Mahadev” scheduled tribe. The Respondent No.2 Scrutiny Committee passed the impugned order and invalidated the tribe claim of the Petitioners on the ground that the blood relative of the Petitioners have obtained validity certificates on the basis of false documents and concealment of original record.

7. Since the paternal blood relatives of the Petitioners are having “Koli Mahadev” Scheduled Tribe validity certificates, considering the parity, the Petitioners are also entitled to have “Koli Mahadev” Scheduled Tribe validity certificates. However, such validity shall be subject to outcome of the decision in the proceeding in respect of blood relatives of the Petitioners, which the Respondent No.2 Scrutiny Committee 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 Petitioners are entitled to have certificates of validity on the ground of parity, however, the such validity shall be subject to the outcome of the decision in the proceeding in respect of blood relatives of the Petitioners, which the Respondent No.2 Scrutiny Committee decided to re-open.

9. Since the Petitioners appear to be the aspiring candidates for admission to professional courses and they intend to secure admission under the Scheduled Tribe reserved category, they are directed to furnish undertaking that, in the event their claim is invalidated by Respondent No.2 Scrutiny Committee, they shall pay the tuition and admission fees applicable to a candidates from open category and no equity shall lie in their favour.

10. In view of the above discussion, the present Petition deserves to be partly allowed and the impugned order dated 20.08.2025, 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 20.08.2025, passed by Respondent No.2 Scrutiny Committee, is hereby quashed and set aside.
- (iii) Respondent No.2 Scrutiny Committee shall **immediately** issue “Koli Mahadev” 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 Respondent No.2 Scrutiny Committee and the Educational Institution with which they seek admission for professional courses, stating that in the event of their caste validity is revoked, they shall 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.
- (iv) The Writ Petition is disposed of. Pending applications, if any, also stand disposed of.

[Y. G. KHOBRADE, J.]

[MANISH PITALE, J.]

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