



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 11273 OF 2025

1. Gayatri Shivaji Pasalwad
Aged 19 years, Occu: Education
R/o Sarsam (Bk) Tq. Himayatnagar
District Nanded
2. Shivaji Namdevrao Pasalwad ... **Petitioners**
Age 52 yearas, Occu: Service
R/o Sarsam (Bk) Tq. Himayatnagar
District Nanded

VERSUS

1. The State of Maharashtra,
Through its Secretary
Tribal Development Department,
Mantralaya, Mumbai 32
2. Scheduled Tribe Certificate Scrutiny ... **Respondents**
Committee, Kinwat,
Headquarter at Chh. Sambhajinagar
Through its Deputy Director (R).
3. The Chief Executive Officer,
Zilla Parishad, Dharashiv
Tq. and Dist. Dharashiv

Mr. P. V. Jadhavar, Advocates for the petitioners,
Mr. V. M. Chate, AGP for the Respondents State

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

DATE : 16.09.2025

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

1. By the present petition under Article 226 of the Constitution of India, the Petitioners, who are daughter and father, take exception to

the order dated 04.09.2025 passed by Respondent No.2 Scrutiny Committee, thereby invalidating their "Mannervarlu" Schedule Tribe Certificates.

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

3. Petitioner No. 1 is a student and requires validity for education purpose. She is intending to secure admission to professional course from the seat reserved for the Scheduled Tribe Category. Schedule of admissions has started as NEET/CET result is declared. Therefore, considering the urgency shown, the petition is taken up for disposal at the stage of admission.

4. The petitioners are daughter and father. They claim that they belong to "Mannervarlu" Scheduled Tribe. Petitioner No. 1 requires validity certificates for educational purpose and Petitioner No.2 requires validity certificate for service purpose. Their individual proposals were forwarded to Respondent No.2 Scrutiny Committee for validation of their tribe certificates. The petitioners have submitted various documents, including validity certificates of blood relatives, school entries etc. in support of their claims. However, by a common order dated 04.09.2025, the claims of the petitioners of belonging to "Mannervarlu" Scheduled Tribe are rejected by the Committee.

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

6. As per the genealogical tree, Gajanna Poshatti, forefather of the petitioners has three sons namely Atmaram, Kishan alias Gajanna and Balya. Atmaram has two sons namely Narsinga and Yallapa. Narayan is the son of Narsinga. Maroti and Namdeo are the sons of Narayan. Subhash, Narayan, Anjanabai, Shivaji (petitioner No.2 and father of Petitioner No.1) and Sainath are the children of Namdeo. Further, Kishan is the son of Yallapa. Digambar is the son of Kishan. Shailesh, Balkishan, Surekha and Sunita are the children of Digambar. In another branch of genealogy, Gunaji is the son of Kishan alias Gajanna. Kishan is the son of Gunaji. Laxman, Vitthal and Gunaji are the sons of Kishan. Vaishali (validity holder) is the daughter of Laxman.

7. On face of record, it appears that on 30.05.2005, the Respondent Scrutiny Committee had granted validity certificate of belonging to "Mannervarlu" Scheduled tribe in favour of Balkishan Digambar Pasalwad, cousin brother of Petitioner No.2 and cousin uncle of Petitioner No.1. Further, on 15.04.2011, the Respondent Scrutiny Committee had granted validity certificate of belonging to "Mannervarlu" Scheduled tribe in favour of Vaishali Laxmanrao

Pasalwad, cousin sister of Petitioner No.2 and cousin aunt of Petitioner No.1.

8. Respondent No.2 passed the impugned order and invalidated the scheduled tribe claim of the petitioners on the grounds that the petitioners failed to prove the affinity tests and that the paternal blood relatives of the petitioners obtained validity certificates on the basis of false documents and concealment of original record and therefore, notice for revocation of validity certificates was issued to Balkishan Digambar Pasalwad and Vaishal Laxmanrao Pasalwad, paternal blood relatives of the petitioners. However, as on today, the validity certificates of Mannervarlu Scheduled Tribe issued in favour of paternal blood relatives of the petitioners are still in operation. Admittedly, the validity holders are the blood relatives of the petitioners and the Committee has not denied the same.

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

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

11. Petitioner No. 1 appears to be the aspiring student for the professional/Medical course. Therefore, she is called upon to furnish undertaking that, in case, her caste certificate validity 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 04.09.2025 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 on 04.09.2025, 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 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) Petitioner No. 1 shall furnish undertaking before the Registrar (Judicial) of this Court as well as before the Scrutiny Committee and the Educational Institutions with whom she will take admission for the 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 Petitioners shall not claim any equity.
 - (d) The Petitioners shall cooperate with the Scrutiny Committee.
- iv) Shri Balkishan Digambar Pasalwad, Ms. Vaishali Laxmanrao Pasalwad, paternal blood relatives of Petitioners, who are served

with notice of revocation of their validity certificates, shall immediately furnish undertaking before the Scrutiny Committee, stating that they will cooperate and appear before the Scrutiny Committee as and when called upon.

(Y. G. KHOBRADE, J.)

(MANISH PITALE, J.)

JPChavan