



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

WRIT PETITION NO. 65 OF 2025

1. RAJESHREE VENKATRAO YAMALWAD
2. BHAGYASHRI VENKATRAO YAMALWAD
VERSUS

THE STATE OF MAHARASHTRA THROUGH SECRETARY AND ANOTHER

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Advocate for the Petitioner : Mr. Deepak D Choudhari & Vijay G Gangalwad
AGP for Respondents/State : Ms. S.S. Joshi

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AND

WRIT PETITION NO. 10026 OF 2025

1. VARAD SHIVAJI YAMALWAD
2. SHITAL SHIVAJI YAMALWAD
VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for the Petitioners : Mr. Thorat Chandrakant R.
AGP for Respondents/State : Mr. S.D. Ghayal

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

DATE : 11th August, 2025

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

1. Since in both these petitions the Petitioners are from one and the same Genealogical tree and as a common issue has arisen for consideration, therefore, both these petitions are decided together.

2. Heard the learned counsel for the Petitioners and the learned AGP for the Respondents. With consent of both the sides, the matters are heard finally at the stage of admission.

3. The challenge in Writ Petition No.65/2025 is to the order dated 24.10.2024 and in Writ Petition No.10026/2025 to the order dated 30.07.2025, passed by Respondent No.2/ Scrutiny Committee, invalidating “Mannervarlu” Scheduled Tribe claim of the Petitioners.

4. As per the genealogical tree, Krishna Yamalwad the great great grand father of the Petitioners in both these petitions was having two sons namely Bhojaji Yamalwad and Laxman Yamalwad. Munjaji is son of Bhojaji. Ramchandra, Acchabai, Kondyabhai and Maroti are children of Laxman. Dattatraya, Keroji, Gangabai are children of Munjaji. Ananda is daughter of Ramchandra. Venkatrao, Tukaram and Shivaji are sons of Dattatraya. Rajeshree & Bhagyashri (Petitioner Nos.1 & 2 in Writ Petition No.65/2025) are daughters of Venkatrao. Varad & Shital (Petitioner Nos.1 & 2 in Writ Petition No.10026/2025) are children of Shivaji.

5. On face of record, it appears that on 09.08.2010, the Respondent No.2/Scrutiny Committee granted Mannervarlu Scheduled

Tribe certificate in favour of Shivaji Yamalwad. On 13.08.2024, this Court passed an order in Writ Petition No.11458/2019 (Shilpa Shivaji Yamalwad V/s. The State of Maharashtra & Ors.) and directed the Respondent No.2/Scrutiny Committee to issue conditional Mannervarlu Scheduled Tribe validity certificate in favour of the Petitioner therein, who is the real sister of Petitioner Nos.1 & 2 in Writ Petition No.10026/2025 and cousin sister of Petitioners in Writ Petition No.65/2025.

6. No doubt, as per the impugned order the paternal blood relatives who were having Mannervarlu Scheduled Tribe certificates are served with notices for revocation of their validity certificates, however, as on today said validity certificates have not been revoked as till date no final orders have been passed.

7. Therefore, 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 in both these petitions are entitled to have the certificates of validity.

8. The Petitioners in both these petitions appear to be aspiring students pursuing professional courses. Therefore, they are called upon to furnish undertaking that, in case, their caste validity certificates are invalidated by the Scrutiny Committee, in that event they shall pay the tuition fees and admission fees applicable to the candidate from open category and no equity shall lie in their favour. In view of above discussion, both the Petitions deserve to be allowed partly and the impugned orders dated 24.10.2024 and 30.07.2025 passed by Respondent No.2/ Scrutiny Committee in Writ Petition No.65/2025 and Writ Petition No.10026/2025 need to be quashed and set aside. Accordingly, we proceed to pass the following order:-

ORDER

- (i) Both the Writ Petitions are partly allowed.
- (ii) The impugned orders dated 24.10.2024 and 30.07.2025, 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 Petitioners in both the petitions, 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 the Scrutiny Committee and the Educational Institutions with whom they will take admission for professional courses, indicating that in case their caste validity is revoked, they 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.

[Y.G. KHOBRAGADE, J.]

[MANISH PITALE, J.]