



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

WRIT PETITION NO. 5626 OF 2025

Vitthal s/o Gangadhar Rutwar ... **Petitioner**
Age 40 years, Occu: service at MIDC, Civil
Division Chh. Sambhajinagar
R/o 1-7-523, Naik Nagar, Near Milind
Hostel, Nanded.

VERSUS

1. The State of Maharashtra,
Through its Secretary,
Industries Department, Mantralaya,
Mumbai-32
2. The Scheduled Tribe Certificate ... **Respondents**
Verification Committee, Kinwat
having its office at Aurangabad
Through its Member Secretary
3. The General Manager,
Human Resource Development
Maharashtra Industrial Development
Corporation, 'Udyog Sarthi' Marol
Industrial Area, Mahakali Caves Road,
Andheri (East), Mumbai 400 093
4. The Executive Engineer, Civil Division,
Maharashtra Industrial Development
Corporation, Chh. Sambhajinagar Division,
Chatrapati Sambhajinagar

Mr. O. B. Boinwad, Advocate for the petitioner,
Mr. R. K. Ingole, AGP for respondent Nos. 1 and 2/State

CORAM : MANGESH S. PATIL &
Y. G. KHOBRAGADE, JJ.

DATED : 28.04.2025

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

1. By the present petition under Article 226 of the Constitution of India, the Petitioner prays for quashing and setting aside the order dated 21.04.2025, passed by respondent no. 2 Scheduled Tribes Caste Scrutiny Committee, thereby invalidating “ Mannervarlu-27” Scheduled Tribe claim of the petitioner.

2. Issue notice to respondent nos. 1 and 2. The learned AGP waives service of notice for respondents 1 and 2/State. Respondent nos. 3 and 4 are petitioner’s employers and they had referred tribe claim of the petitioner to the committee for verification. The petitioner has not claimed any relief as against these respondents, therefore, there is no necessity to issue notice to them.

3. At the joint request of the parties, the matter is being disposed of today itself in the peculiar facts and circumstances which shall be discussed hereinafter.

4. We have considered the submissions of the learned counsel appearing for the respective parties and perused the petition paper book. The learned AGP strongly opposes the petition.

5. As per genealogical tree Late Shri Mahadu @ Kisan Rautwar had five sons namely Apparao, Ramji @ Vithoba, Eranna (Elder), Mashnaji and Eranaa (Younger). S/Shri Gangadhar, Hanmant and Anjaya are sons of Vithal Eranna (Elder). Ms. Shrutika is a daughter of Hanmant Vitthal. Ms. Ashwairya d/o Vyenkatesh Rautwar is great-great grand daughter of Eranna (Elder). Ms. Snehal and Shlok are children of Sahebrao Eranna Rautwar and great-great grand children of Eranna (Elder). Ms. Monika D/o Ramesh Rautwar is great-great grand daughter of Eranna (younger).

6. On the face of record it is apparent that, respondent no. 2 Scrutiny Committee on scrutiny of tribe claim of the petitioner's paternal blood relatives, granted 'Mannervarlu' Scheduled Tribe validity certificates in their favour as under:

- (1) On 29.12.2008, respondent no. 2 committee granted 'Mannervarlu' scheduled tribe validity to Shri Shekhar s/o Gangadhar Rautwar, the real brother of the petitioner.
- (2) On 13.03.2010, Respondent no. 2 committee granted 'Mannervarlu' scheduled tribe validity to Ms. Rutika D/o Hanmant Rautwar.

7. Various writ petitions were filed by the paternal blood relatives of the petitioner wherein this court passed orders and granted

conditional validity of 'Mannervarlu' scheduled tribe in their favour as under:

1. Order dated 02.02.2022 in Writ Petition No. 1188 of 2022 (Monika D/o Ramesh Rautwar);
2. Order dated 31.08.2023, in Writ Petition No. 10736 of 2023 (Aishwarya Venkatesh Rautwar);
3. Order dated 11.11.2024, in Writ Petition No. 695 of 2022 (Ramesh Venkatrao Rautwar);
4. Order dated 21.11.2024, in Writ Petition No. 645 of 2022 (Laxman Venkatrao Rautwar) ;
5. Order dated 12.02.2025, in Writ Petition No. 13976 of 2024 (Ms. Snehal Sahebrao Rautwar & another).

8. On perusal of impugned order it appears that, the committee has relied upon vigilance cell report of his cousin niece Monika D/o Ramesh Rautwar, i.e. petitioner in Writ Petition No. 1188 of 2022 in whose favour this Court granted conditional validity of 'Mannervarlu' scheduled tribe. Therefore, taking into consideration the law laid down 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, 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 petitioner is entitled to have a certificate of validity.

9. In view of above discussion, present petition deserves to be allowed and impugned order dated 21.04.2025 passed by respondent no. 2 Committee needs to be quashed and set aside. Accordingly, we proceed to pass the following order:

ORDER

- (i) The Writ petition is allowed.
- (ii) Impugned order dated 21.04.2025 passed by respondent no. 2 Committee is hereby quashed and set aside.
- (iii) Respondent No. 2 Committee shall immediately issue tribe validity certificate in favour of the petitioner as belonging to 'Mannervarlu' schedule tribes, which shall be co-terminous with the validities which the respondent committee has decided to re-open.

(Y. G. KHOBRADE, J.)

(MANGESH S. PATIL, J.)

JPChavan