

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

968 WRIT PETITION NO. 9001 OF 2018

AISHWARYA UMESH RATHOD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. Bayas Anandsingh
AGP for Respondents : Mr. N.T.Bhagat

**CORAM : S.V.GANGAPURWALA
AND
SUNIL K.KOTWAL, JJ.**

DATE : AUGUST 8, 2018

O R D E R :

The caste claim of the petitioner as belonging to Thakur Scheduled Tribe is invalidated.

2. Mr. Bayas, learned counsel for the petitioner submits that the mother of the petitioner has been issued validity certificate of Thakur Scheduled Tribe. The real maternal uncle of the petitioner is also issued validity certificate as belonging to Thakur Scheduled Tribe.

3. Learned counsel submits that in the present matter the caste claim of the petitioner was directed to be considered on the basis of her mother's caste. The mother was residing with the petitioner and the father was residing separate. The petitioner was following the caste and traits of her mother since beginning. The Committee has also considered the record of the maternal side only while deciding the matter. According to the learned counsel, the contra entries which the Committee has suggested were also considered while issuing validity certificate to the mother of the petitioner and they were explained by the mother of the petitioner.

4. Mr. Bhagat, learned AGP submits that there are contra evidences on record, which the Committee has discussed in the judgment. The Committee has considered that in the School record of the mother and maternal uncle of the petitioner, the entries are in the nature of Rajput, Rajput Teli and Rajput

Bhamta. This aspect has been considered by the Committee and thereby has rightly invalidated the claim.

5. We have considered the submissions canvassed by the learned counsel for the respective parties.

6. It is not disputed that the mother of the petitioner has been issued validity certificate on 2.9.2011 of Thakur Scheduled Tribe. It is also a matter of record that the real maternal uncle of the petitioner has been issued validity certificate of Thakur Scheduled Tribe on the same date.

7. It is further submitted by the learned AGP that show cause notices are issued to the mother and maternal uncle of the petitioner as to why validity certificates issued to them should not be cancelled.

8. In such a case, the Division Bench of this Court at the Principal seat at Bombay in Writ Petition No. 7500 of 2018 with connected matters, has directed to issue the validity certificate subject to the decision that would be taken in the proceedings for cancellation of validities, on which the petitioner relies. We propose to follow the same course.

9. The respondents shall issue validity certificate to the petitioner of Thakur Scheduled Tribe subject to the decision in the proceedings that are being reopened by the Committee in respect of the validity certificate issued to the mother and maternal uncle of the petitioner. In case, the tribe claim of the mother and maternal uncle of the petitioner is subsequently invalidated, then the petitioner will not be entitled to claim any equities or protect her admission.

10. Considering the exigency in the matter and that last date for submitting the validity certificate is 10.8.2018 for securing admission to M.B.A. course, the respondents shall issue validity certificate of Thakur Scheduled Tribe to the petitioner immediately.

11. Writ Petition is disposed of. No costs.

12. Authenticated copy be given.

[SUNIL K.KOTWAL, J.] [S.V.GANGAPURWALA, J.]

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