

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8915 OF 2018

Kaveri Prakash Papulwar

.. **Petitioner**

Versus

The State of Maharashtra and others .. **Respondents**

Shri S. M. Vibhute, Advocate for the Petitioner.

Shri P. S. Patil, Addl. G. P. for Respondent / State.

Shri S. G. Karlekar, A.G.P. for Respondent No. 4.

CORAM: S. V. GANGAPURWALA &
SUNIL K. KOTWAL, JJ.

DATE: 3rd August, 2018

ORDER :

1. The caste claim of the petitioner as 'Mannervarlu', Scheduled Tribe is invalidated.

2. Mr. Vibhute, the learned counsel submits that the committee has validated the caste claim of the father of the petitioner and two real sisters of the petitioner namely Padmavati and Vijayalaxmi. The learned counsel submits that the school record of the petitioner, his father, his real sisters consistently record the caste as 'Mannervarlu'. The school record of the real paternal aunt also records caste as 'Mannervarlu'. The said document is of the year – 1967. The father's entry of

'Mannervarlu' in the school record is of the year – 1970. After considering the entire entries and the affinity test, the caste claims of the petitioner's father and two real sisters are validated. There was no reason for the committee to invalidate the caste claim of the petitioner.

3. The learned Additional Government Pleader submits that only because the father and two real sisters have been given the validities the petitioner is not entitled to the validity certificate as a matter of course. The school record of the aunt of the petitioner is suspicious. The entry 'Munnurvar' has been converted into 'Mannervarlu'. The same is with regard to the entry in the record of the father. The entry has been changed to 'Mannervarlu' from 'Munnurvar'. The petitioner has also failed in the affinity test. The learned Additional Government Pleader submits that the show cause notices are issued to the father and two real sisters of the petitioner as to why the proceedings giving validity certificates to them should not be reopened.

4. It is matter of record that the father of the petitioner has been issued with the validity certificate of 'Mannervarlu', Scheduled Tribe, so

also, two real sisters of the petitioner have been issued with the validity certificates of 'Mannervarlu', Scheduled Tribe. It is the contention of the petitioner that the validity certificates are issued relying on the same entries which are discarded by the committee in the present matter.

5. The father of the petitioner has been issued with the validity certificate of 'Mannervarlu', Scheduled Tribe, so also, two real sisters of the petitioner have been issued with the validity certificates of 'Mannervarlu', Scheduled Tribe. The show cause notices are issued to the father and two real sisters of the petitioner as to why the proceedings of issuing validities should not be reopened. In similar cases the Division Bench at the Principal Seat at Bombay in Writ Petition No. 7500 of 2018 with many other writ petitions has directed issuance of validity subject to the outcome of the proceedings that would be reopened of the validity holders relied by the petitioner. We follow the same course.

6. The committee shall issue validity certificate to the petitioner of 'Mannervarlu', Scheduled Tribe. The same would be subject to the decision the committee would take in the

proceedings that are being reopened of the validity holders relied by the petitioner. The committee shall issue the said certificate to the petitioner immediately.

7. In case after reopening the proceedings the caste claim of the validity holders relied by the petitioner is invalidated the petitioner shall not be entitled to claim equity nor will be entitled to protect her admission.

8. Writ Petition accordingly allowed in above terms. No costs.

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

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