

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

WRIT PETITION NO. 8917 OF 2018

Vaishnavi Ramakant Padalwar
Through Father Ramakant
Shankarrao Padalwar .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Sunil M. Vibhute, Advocate for the Petitioner.
Shri P. S. Patil, Addl.G.P. for Respondent Nos. 1 to 3.
Shri S. G. Karlekar, Advocate for the Respondent No. 4.

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

DATE : 03RD AUGUST, 2018.

FINAL ORDER :

. The caste claim of the petitioner of belonging to 'Mannervarlu' (Scheduled Tribe) was referred to the Committee. The same is invalidated.

2. Mr. Vibhute, the learned counsel for the petitioner submits that, the father of the petitioner has been issued with the validity certificate on 25.06.2007 of belonging to Mannervarlu (S.T.). The real cousin brother of the petitioner is also issued with the validity certificate. The tribe claim of the cousin of the

petitioner namely Sneha was invalidated. She filed Writ Petition No. 10378 of 2017 before the Principal Seat at Bombay, the said writ petition was allowed on October 04, 2017 directing the Committee to issue validity certificate in favour of Sneha Padalwar. In the said case also the contention of the respondents of interpolation was considered. The learned counsel submits that, the school record of the petitioner and the father consistently records the caste as Mannervarlu.

3. Mr. Patil, the learned Additional Government Pleader submits that, census record was suppressed by the petitioner and her father so also cousin while obtaining validity certificates. The Committee in the present case could get the census record of the ancestors of the petitioner wherein caste is recorded as Mannurwar. In view of this suppression of fact earlier validity may not be relied upon. The petitioner has failed in affinity test also.

4. The learned Additional Government Pleader further submits that, the Committee is contemplating issuance of show cause notice to the father of the petitioner and other validity holders relied by the petitioner. So also is contemplating moving Law and Judiciary Department seeking permission to file review of the judgment and order dated October 04, 2017 in Writ Petition No. 10378 of 2017.

5. It is a matter of record that the father of the petitioner is issued with the validity certificate of Mannervarlu (Scheduled Tribe) in the year 2007. One first cousin of the petitioner Pravin Padalwar is also issued with the validity certificate on 25.06.2007. The cousin sister of the petitioner from paternal side Sneha Chandrakant Padalwar is also issued with the validity certificate on the directions of this Court at its Principal Seat at Bombay.

6. In similar set of facts when the paternal relative is given validity certificate and committee was contemplating re-opening of the proceedings granting validity to them the Division Bench of this Court at the Principal Seat at Bombay in Writ Petition No. 7500 of 2018 and many other writ petitions directed issuance of validity to the petitioners subject to the decision in the proceedings re-opened by the Committee of the validity holder relied by the petitioner.

7. Considering all these aspects and also considering that the respondents are contemplating reopening of validation proceedings in respect of father of the petitioner and other validity holders on which the petitioner has placed reliance, so also are contemplating seeking permission to file review of order of this Court at its Principal Seat at Bombay in Writ Petition No.

10378 of 2017 and considering the judgment and order dated July 23, 2018 passed by the Division Bench of this Court at Principal Seat at Bombay in Writ Petition No. 7500 of 2018, it would be appropriate to direct the respondent/Committee to issue validity certificate to the petitioner of belonging to Mannervarlu (S.T.) subject to outcome of the proceedings that may be undertaken by the Committee in respect of the father of the petitioner and so also in case review is filed in Writ Petition No. 10378 of 2017.

9. Considering the fact that, tomorrow is the last date for submission of validity certificate for confirming the admission in the medical course, the respondent/Committee shall issue validity certificate to the petitioner of 'Mannervarlu' (Scheduled Tribe) immediately. The writ petition is accordingly disposed of. No costs.

10. Naturally, in case validity certificates of the paternal relatives are subsequently invalidated, the petitioner cannot claim any equity, nor would be entitled to protect the admission.

[SUNIL K. KOTWAL, J.]

[S. V. GANGAPURWALA, J.]

bsb/Aug. 18

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