

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

WRIT PETITION NO. 8942 OF 2018

Pranali Dattatray Bontawar .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Anil S. Golegaonkar, Advocate for the Petitioner.

Shri P. S. Patil, Addl.G.P. for Respondent Nos. 1 to 3 and 5.

Shri M. D. Narwadkar, 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 as belonging to Mannervarlu (Scheduled Tribe) is invalidated.

2. Mr. Golegaonkar, the learned counsel for the petitioner submits that, the father of the petitioner has been issued with the validity certificate of Mannervarlu (S.T.) in the year 2010. The school record of the father of the petitioner, real brother, real uncle and real sister shows the caste as Mannervarlu (S.T.) There is no contra evidence. Even there are no interpolations found by the vigilance. The vigilance was conducted when father's validity was obtained. The Committee has relied upon entries of the villagers having similar surname and they are not related to the

petitioner. Even entry relied in respect of Digambar Ganpat Bontawar is erroneous. Uncle of the petitioner is Digambar Vitthal Bontawar. The learned counsel submits that, father has been issued with the validity certificate on the basis of the same evidence.

3. Mr. Patil, the learned Additional Government Pleader submits that, in respect of entry of Bontawar Narayan, who is cousin grandfather of the petitioner, the caste is recorded as Mannurwar. According to the learned Addl. G. P. while issuing validity in favour of the father of the petitioner this entry was not considered. Show cause notice is issued to the father of the petitioner for suppressing the material evidence.

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

5. The vigilance report conducted during the validation proceedings of the father of the petitioner is placed on record wherein the document of the year 1973, 1976 and subsequent years were scanned. The said documents were of the petitioner's father, petitioner's uncle, niece and so also the petitioner himself and the sister. In that no interpolation is found by the vigilance cell. It is also not case of the respondents that in respect of these documents there is any interpolation.

6. One entry is relied in respect of Bontawar Narayan Istari,

who is shown to be cousin grandfather of the petitioner, wherein entry is Mannurwar. Same is isolated entry.

7. 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.

8. Considering the fact that, show cause notice is issued to the petitioner's father and considering the documents on record and validity certificate issued in favour of the father of the petitioner and also in view of 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 in favour of the petitioner of Mannervarlu (S.T.). The same would be subject to decision in the proceedings that are reopened in respect of the father of the petitioner. The respondent/Committee shall immediately issue the validity certificate to the petitioner of Mannervarlu (Scheduled Tribe) considering the fact that, 04th August, 2018 is the last date for submission of validity certificate. The writ petition is disposed of. No costs.

9. Naturally, in case validity certificate of the petitioner's father is 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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