

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

WRIT PETITION NO. 8930 OF 2018

Gamanashree Venkat Gajulwar .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Anil S. Golewar, Advocate for the Petitioner.

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

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 as belonging to Mannervarlu (Scheduled Tribe) is invalidated.

2. Mr. Golegaonkar, the learned advocate for the petitioner submits that, two real uncles of the petitioner have been issued with the validity certificates of belonging to Mannervarlu (S.T.). Two real cousin sisters of the petitioner have been issued with validity certificates of Mannervarlu (S.T.) The learned counsel further submits that, consistently the entire record shows the caste recorded as Mannervarlu. The finding of the Committee that initial entry was Mannurwar and subsequently it has been

converted into Mannervarlu is improper. There is nothing to show that the petitioner is responsible for any change in the entries.

3. Mr. Patil, the learned Additional Government Pleader for respondents/State submits that, the show cause notices are issued to the validity holders relied upon by the petitioner. The vigilance has also considered that old record appears to be Mannurwar. Considering that voluminous record the Committee has rightly invalidated the claim. Even the revenue record of the great grandfather and the cousin grandfather records caste as Mannurwar. The petitioner has also failed in the affinity test.

4. Two real uncles of the petitioner have been issued with the validity certificates of Mannervarlu (S.T.). So also two real cousin sisters that is daughters of Manohar and Ashok have been issued with the validity certificates of Mannervarlu (S.T.).

5. The entries according to the petitioner in the school record of the petitioner, his father and uncle all appears as Mannervarlu. The Committee has observed that, in respect of one school entry of the father and real cousins appear to be Mannurwar that same has been converted into Mannervarlu. On the basis of same record validities appear to have been given to the real uncle and two real cousin sisters of the petitioner.

Now it is submitted that, notices are issued to them.

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 the validities in favour of real uncles and real cousin sister and also considering the judgment and order dated July 23, 2018 in Writ Petition No. 7500 of 2018 passed by the Division Bench of this Court at its Principal Seat at Bombay, it would be appropriate to direct the Committee to issue validity certificate to the petitioner of Mannervarlu (S.T.) subject to the outcome of the proceedings that would be taken up in respect of validity holders to whom show causes are issued. In the light of the above, the respondent/Committee shall issue the validity certificate to the petitioner immediately of Mannervarlu (S.T.), considering that the petitioner has secured provisional admission to the M.B.B.S. course and 04th August, 2018 is the last date for submitting validity certificate. The writ petition is accordingly is disposed of. No costs.

8. Naturally, in case validity certificates in favour of the paternal relatives of the petitioner and relied by the petitioner are subsequently invalidated, the petitioner cannot claim any equity, nor would be entitled to protect the admissions.

[SUNIL K. KOTWAL, J.]

[S. V. GANGAPURWALA, J.]

bsb/Aug. 18

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