

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8945 OF 2018

Ambika Arvind Totawar .. **Petitioner**
Versus
The State of Maharashtra and others.. **Respondents**

Shri M. A. Golegaonkar, 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. Golegaonkar, the learned counsel submits
that the caste claim of three real paternal
cousins of the petitioner namely Mukul, Chetan and
Nikhil i.e. the sons of real uncles of the
petitioner as 'Mannervarlu', Scheduled Tribe is
validated. The entries in the school record of
the petitioner, his father, uncle, cousin brothers

consistently record the caste as 'Mannervarlu', still, the caste claim of the petitioner is invalidated. The father of the petitioner has also answered the questions properly and proved the affinity.

3. The learned Additional Government Pleader submits that the school record of the father of the petitioner is old one and the entries are not legible and in some of the record the caste is recorded as 'Munnurvar', 'Munnur' and 'Munnurvad'. The affinity also could not be proved. The show cause notices are being issued to the real paternal cousins of the petitioner on whose validity the petitioner is relying. The committee has rightly negatived the claim of the petitioner.

4. It is a matter of record that three real cousins of the petitioner's namely Mukul Venkatrao Totawar, Chetan Vasantrya Totawar and Nikhil Venkatrao Totawar are issued with the validity certificates. Venkatrao and Vasantrya are the

real brothers of the petitioner's father. The record *prima facie* discloses the entry of 'Mannervarlu', although it is observed that the original school record is not properly legible and in some record the caste is shown as 'Munnurwar'. It is the contention of the petitioner that all these entries were subject matter of consideration when the aforesaid real paternal cousins of the petitioner were issued with the validity certificates of 'Mannervarlu', Scheduled Tribe.

5. The three real cousins of the petitioner are issued with the validity certificates of 'Mannervarlu', Scheduled Tribe. The show cause notices are issued to them as to why the proceedings of issuing validity 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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