

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

WRIT PETITION NO. 2075 OF 2018

Vaishnavi Jairam Singanwad .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

**WITH
WRIT PETITION NO. 8943 OF 2018**

Vaibhav Jairam Singanwad .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Anil S. Golegaonkar, Advocate for the Petitioner in both matters.

Shri P. S. Patil, Addl.G.P. for Respondent Nos. 1 to 3 in both matters.

Shri S. G. Karlekar, Advocate. for the Respondent No. 4 in both matters.

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

DATE : 03RD AUGUST, 2018.

FINAL ORDER :

. The caste claims of the petitioners as belonging to Mannervarlu (Scheduled Tribe) have been invalidated.

2. Mr. Golegaonkar, the learned counsel for petitioners submits that, petitioners are real brother and sister. The petitioners rely upon the validity certificates issued to Ananda Ganpati Singanwad and Veena Ramrao Singanwad. They are paternal cousins of the petitioners. The oldest entry in favour of Ganpati Laxman Singanwad cousin grandfather of the petitioner is of the year 1953 which records caste as Mannervarlu in the school record. The learned counsel submits that, not only that even while filing reply the census report is also submitted of the year 1951, which records the caste as Mannervarlu of the ancestors of the petitioners that is great grandfather. According to the learned counsel, only because of stray entry of Munnurwar in respect of one Surekha Jaywant Singanwad cousin paternal aunt, the claims are invalidated. Validity certificates issued in favour of paternal cousins have been ignored. The genealogy submitted by the petitioners clearly establishes the relations. Even the committee has not disputed the relationship.

3. Mr. Patil, the learned Additional Government Pleader for respondent Nos. 1 to 3 submits that, different genealogies are given, which creates doubt. In the genealogy name of the cousin grandfather is not mentioned so as to suppress the entry of the school record. According to the learned Addl. G. P. even petitioners have failed in the affinity test. The learned Addl. G. P. further submits that, show cause notices are issued to the

validity holders on which petitioners rely. The committee will have to examine the census report of the year 1950-1951.

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

5. The copy of vigilance report in case of Ananda Singanwad has been placed on record. The oldest entry of the year 1953 records the caste as Mannervarlu of Ganpati Laxman Singanwad.

6. The petitioners have also filed the say and have placed on record the copy of census report. According to the petitioners, the great grandfather of the petitioners' caste in the census is recorded as Mannervarlu. Of course, there appears one isolated entry showing caste as Munnurwar of cousin grandfather of the petitioners.

7. It is also established that affinity test is not litmus test and with the change in living condition and the location, the traits may change.

8. 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.

9. Considering the old entries of the year 1953 and 1950-51 being relied in respect of Mannervarlu in respect of the grandfather and great grandfather of the petitioners, so also validity issued in favour of their paternal cousins of the petitioners 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 certificates in favour of the petitioners of Mannervarlu (S.T.). The same would be subject to decision in the proceedings that are reopened in respect of validity holders relied by the petitioners. The respondent/Committee shall immediately issue the validity certificates to the petitioners of Mannervarlu (Scheduled Tribe) considering the fact that, 04th August, 2018 is the last date for submission of validity certificates. The writ petition are disposed of. No costs.

10. Naturally, in case validity certificate of the paternal cousins relied by the petitioners 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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Sudhakar
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