

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

WRIT PETITION NO. 9382 OF 2018

Nishikant Rajaram Kandhare.

Petitioner.

Versus

State of Maharashtra and another.

Respondents.

Mr. S.M. Vibhute, Advocate for the petitioner.

Mr. P.S. Patil, A.G.P. for the respondents.

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

Dated : **10th August , 2018.**

FINAL ORDER :-

. The Tribe Claim of the petitioner as "Mannervarlu" Scheduled Tribe 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 of "Mannervarlu" Scheduled Tribe. The real paternal aunt of the petitioner has been issued with the validity certificate of "Mannervarlu" Scheduled Tribe. Apart from the validity certificates issued in favour of father and real aunt, 7 to 8 validity certificates are issued in favour of the paternal cousins of the

petitioner as demonstrated in the genealogy which is also confirmed by the Vigilance. The school record of the petitioner, his father, aunt and uncle consistently records the caste as "Mannervarlu". Still the Committee has invalidated the tribe claim of the petitioner

3. Mr. Patil the Learned Additional Government Pleader submits that the school record of the father and aunt of the petitioner, though on the face of it appears to be "Mannervarlu", the same is interpolated and caste "Munnurvar" subsequently has been made "Mannervarlu". The said entries are suspicious. Even the petitioner has failed in the affinity test.

4. It is not disputed that father of the petitioner namely Rajaram and real aunt of the petitioner Anita are issued with validity certificates of "Mannervarlu" Scheduled Tribe. From the genealogy, which appears to have been verified by the Vigilance, it can be seen that about 8 paternal cousins of the petitioner other than the father and real aunt are issued with validity certificates of "Mannervarlu" Scheduled Tribe. It is submitted that the entries in the school record, which are produced in the present proceeding, were also before the Committee while validating the tribe claims of the father and real aunt of the petitioner.

5. Even if we ignore 8 other validity certificates granted in favour of the paternal cousins of the petitioner, considering the

validity certificates granted in favour of the father and real aunt of the petitioner, so also the entries which are appearing in the school record of the father and uncle of the petitioner which have been considered while granting validity in favour of them, it would be appropriate to direct the Committee to issue validity certificate to the petitioner of “Mannervarlu” Scheduled Tribe.

6. It is submitted that the show cause notices are issued to the father and aunt of the petitioner for reopening their validation proceedings. The validity certificate issued to the petitioner would be subject to the decision that would be taken by the Committee in the proceedings that are being reopened in case of validities issued to the father and real aunt of the petitioner. In case their claims are subsequently invalidated, then the petitioner shall not be entitled for any equity nor shall be entitled to protect his admission.

7. Considering the exigency, the Respondent – Committee shall issue validity certificate to the petitioner of “Mannervarlu” Scheduled Tribe immediately.

8. Writ Petition is disposed of. No costs.

(SUNIL K. KOTWAL)
JUDGE

(S.V. GANGAPURWALA)
JUDGE