

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

WRIT PETITION NO. 9561 OF 2018

Rutvik Sanjay Thakkarwad ...Petitioner

VERSUS

The State of Maharashtra  
and others ...Respondents

...

Advocate for the petitioner : Mr. A.S. Golegaonkar  
AGP for respondent Nos 1 & 2 : Mr. P.S. Patil  
Advocate for respondent No. 3 : Mr. S.G. Karlekar

...

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

**DATE : AUGUST 14, 2018**

**O R D E R :**

Mr. Golegaonkar, learned counsel for the petitioner submits that the caste claim of the petitioner as Mannervarlu Scheduled Tribe is invalidated. The learned counsel submits that the father of the petitioner has been issued with validity certificate of Mannervarlu Scheduled Tribe on 18.10.2006. The real uncle of the petitioner is also

issued with validity certificate of Mannervarlu Scheduled Tribes on 21.6.2006.

2. The learned counsel submits that the school record of the petitioner, his father and uncle records caste as Mannervarlu Scheduled Tribe.

3. The Committee relied upon the entries of some persons namely Govind, Shankar, Ganpat and Laxman. They are not related to the petitioner. Only on the basis of these entries the claim is invalidated.

4. Mr. Patil, learned AGP submits that vigilance found that these persons namely Govind, Shankar and Ganpat and Laxman are related to the petitioner and the entries in their school record are as Munnervar.

5. The learned AGP further submits that show cause notice is issued to the father and real uncle of the petitioner as to why the validity certificates should not be cancelled.

6. We have considered submissions canvassed by the learned counsel of respective parties.

7. It is a matter of record that the father of the petitioner and real uncle have been issued with validity certificate of Mannervarlu Scheduled Tribe.

8. Vigilance also found no interpolation in the school record of the petitioner, his father and uncle. The reliance has been placed on the school record of Govind, Ganpat, Laxman and Shankar to contend that in the record same words caste Manurwad was mentioned and subsequently Mannervaralu has been recorded. The relationship with these persons is disputed by the petitioner. It is further submitted

by the petitioner that Shankar has already been issued the validity certificate.

9. The entries consistently appearing in the school record of the petitioner. The father and uncle of the petitioner are issued with the validity certificate. Their proceedings are re-opened.

10. In similar case, the Division Bench of this Court at the Principal Seat at Bombay in Writ Petition No. 7514 of 2018, decided on 24.7.2018 and many other writ petitions directed the authorities to issue tribe certificate to the petitioner subject to the decision in the proceedings re-opened of the validity holder relied by petitioners. We follow the same course.

11. The respondent shall issue validity certificate to the petitioner as Mannervarlu Scheduled Tribe. The same shall be subject to the

decision of the Committee in the proceedings re-opened of the validity holder relied by the petitioner. In case the caste certificates of the validity holder relied by the petitioner are invalidated, then the petitioner shall not be entitled for equity nor shall be entitled to protect his admission.

12. Writ Petition is disposed of. No costs.

[**SUNIL K.KOTWAL, J.**]      [**S.V.GANGAPURWALA, J.**]

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