

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

1005 WRIT PETITION NO.832 OF 2019

**SHITAL VITTHAL PUJARWAD
VERSUS
THE STATE OF MAHARASHTRA AD ANOTHER**

**...
Advocate for Petitioner : Thorat Chandrakant R.
AGP for Respondents: K.N.Lokhande**

**...
WITH
WRIT PETITION NO.436 OF 2019**

**RAVI VITHAL PUJARWAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

**...
Advocate for Petitioner : Thorat Chandrakant R.
AGP for Respondents: K.N.Lokhande
Adv.K.C.Sant for R.3.**

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CORAM : S.V.GANGAPURWALA &
MANGESH S. PATIL, JJ.**

DATE : 17/07/2019

PER COURT :

The caste claim of the petitioners as Mannervarlu (Scheduled Tribe) is invalidated.

2] Mr.Thorat, the learned counsel submits that the father of the petitioners Vitthal, real uncle of the petitioners Gangadhar, real paternal aunt of the petitioner Sunita, real sister of the petitioners Neha have been issued with the validity certificate of Mannervarlu (S.T.) after conducting the vigilance. All the documents which were part of record for the present proceeding were also subject matter for

consideration for the validation proceedings of the persons to whom validity has been issued.

3] According to the learned counsel in the school record of the father of the petitioners nowhere the caste was recorded as Mannervarlu. The same has been corrected as Mannervarlu by following due procedure. The said entry was also subject matter while issuing validity certificates to these persons. According to the learned counsel the committee has committed a grave error by rejecting proceeding of the petitioners.

4] Mr.Patil, learned Additional Government Pleader submits that the original record of the petitioners' father depicts caste as Munnerwar. The same has been corrected. That correction carries no meaning. According to the learned Addl.Govt.Pleader, the original record cannot be corrected upon the order of the Education Officer. It is only the scrutiny committee which can deal with the said entries. The learned Addl.Govt.Pleader further submits that the petitioners also could not prove affinity test. Show cause notices have been issued to all the validity holders whose validity is relied by the petitioners.

5] We have considered the submissions, so also have gone through judgment and record.

6] It is not disputed that the father of the petitioners, real uncle of the petitioners, real aunt of the petitioners and real sister of the petitioners are issued with the validity certificates of Mannervarlu (S.T.). It also appears that the record in respect of father of the petitioners wherein the entry is corrected as Mannervarlu from

Munnerwar was before the committee in those validation proceedings also. The same has been considered by the committee while issuing validity certificates to all these persons. It cannot be said that there was a suppression of facts while granting earlier validity certificates.

7] It is further submitted that the show cause notice is issued to all these persons.

8] Considering the fact that the validity certificates are granted to the father, real uncle, real paternal aunt and real sister of the petitioners, after considering all these documents and after conduct of vigilance, we pass the following order :

I] The impugned order of the committee is quashed and set aside. The committee shall issue validity certificates to the petitioners of Mannervarlu (S.T.) immediately. The said validity certificates shall be subject to the decision that would be taken by the committee in case they open validity proceedings of the validity holders relied by the petitioners.

9] Writ Petitions are disposed of. No costs.

(MANGESH S. PATIL,J.)

(S.V.GANGAPURWALA,J.)

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