

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

1034 WRIT PETITION NO.13874 OF 2018
WITH CA/7367/2019 IN WP/13874/2018

SUCHITA DATTA SUREWAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Mr. M.A.Golegaonkar & Mr. A.S.Golegaonkar, Advocate for
Petitioner.

Mr. P.S.Patil, AGP for Respondents-State.

Mr. M.D.Narwadkar, Advocate for Respondent No.4.

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

DATE : 19.07.2019

PER COURT :-

1. The caste claim of the petitioner as 'Mannervarlu' Scheduled Tribe is invalidated.

2. Mr. Golegaonkar, the learned counsel for the petitioner submits that the real uncle of the petitioner namely Saheb Laxman Surewad is issued with the validity certificate of 'Mannervarlu' Scheduled Tribe. The paternal cousin of the petitioner namely Madhav Girjaji is issued with the validity certificate of 'Mannervarlu' Scheduled Tribe. Another paternal cousin namely Balaji Kisan is issued with the validity certificate of 'Mannervarlu' Scheduled Tribe. The school record of the father of the petitioner, his brother,

uncle consistently record caste as 'Mannervarlu'. There are no contra entries. The Committee on the ground that in the school record of the father of the petitioner 'Mannervarlu' is written in English has discarded the said entry. The same entry was also subject matter of consideration with the Committee while granting validity to Saheb Laxman. In the said matter, the vigilance was conducted and the vigilance did not find any interpolation.

3. Mr. Patil, the learned AGP submits that the entry in the school record of the father of the petitioner is the oldest entry of the year 1978 and 'Mannevarlu' is written in English and all other entries are in Marathi language. The entry in Marathi language of caste in the school record of father also appears to be manipulated. The learned AGP further submits that the petitioner also failed in the affinity test.

4. It is not disputed that the real paternal uncle of the petitioner is issued with the validity certificate of the 'Mannervarlu' Scheduled Tribe. Two other paternal cousins of the petitioner are also issued with the validity certificate of 'Mannervarlu' Scheduled Tribe. All the entries in the school records of the petitioner, her father, uncle, paternal cousin record caste as 'Mannervarlu'. The only disputed entry is in

the school record of the father of the petitioner wherein it is said that the said entry is manipulated as the same is written in English. The same entry was also subject matter of vigilance in case of Saheb Laxman and the Committee accepted the said entry.

5. Considering the above, we pass the following order :

ORDER

(i) The impugned judgment and order is quashed and set aside.

(ii) The Committee shall issue validity certificate to the petitioner of 'Mannervarlu' Scheduled Tribe immediately.

(iii) The said validity certificate shall be subject to the decision that would be taken by the Committee, in cases re-opened of the validity holders relied by the petitioner.

6. The Writ Petition is disposed of. No costs.

7. In view of disposal of the Writ Petition, nothing survives in the Civil Application. Civil Application is accordingly disposed of.

(MANGESH S. PATIL, J.)

(S.V. GANGAPURWALA, J.)

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vmk/-