

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8570 OF 2019

SURAJ PRAKASH INGEWAD
THROUGH FATHER PRAKASH RAMJI INGEWAD
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS

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Advocate for Petitioner : Mr. Vibhute Sunil M.
AGP for Respondents No. 1 & 2 : Mr. P. S. Patil
Advocate for Respondent No. 3 : Mr. S. G. Karlekar

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WRIT PETITION NO. 8805 OF 2019

SHWETA PRAKASH INGEWAD
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Petitioner : Mr. Vibhute Sunil M.
AGP for Respondents : Mr. P. S. Patil

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WRIT PETITION NO. 8806 OF 2019

PRAKASH RAMAJI INGEWAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Vibhute Sunil M.
AGP for Respondents / State : Mr. P. S. Patil

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WRIT PETITION NO.8752 OF 2019

SUHAS BHAGWAN INGEWAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner :
Mr. Thorat Chandrakant R.
AGP for Respondents / State : Mr. P. S. Patil

Advocate for Respondent No. 2 : Mr. S. G. Karlekar

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WRIT PETITION NO.8773 OF 2019

SNEHA BHAGWAN INGEWAD

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner :

Mr. Thorat Chandrakant R.

AGP for Respondents / State : Mr. P. S. Patil

Advocate for Respondent No. 2 : Mr. S. G. Karlekar

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

DATE: 18th JULY, 2019

PER COURT:

1. The caste claim of the petitioners as belonging to Mannervarlu, Scheduled Tribe is invalidated.

2. All these petitioners are belonging to the same family. Their matters are also decided by the common judgment.

3. The petitioners relied on the validity certificate issued to Bhagwan the father of the petitioners Suhas and Sneha, so also the real

uncle of these petitioners namely Sahebrao. The petitioners also relied on the validities issued to one Ashok and Ranjana. They are the cousins of Prakash, Shweta and Suraj; the petitioners. The learned counsel for the respective petitioners submits that the validity certificates are issued to these persons after conducting due vigilance. There are no contra entries. The record shows entries of Mannervarlu. According to the learned counsel, there is absolutely nothing to suggest that there are interpolation. The school record of the petitioners, their father and grandfather records caste as Mannervarlu. There was no reason to take a different view than the one granting validities to the members of the petitioners family. The learned counsel submits that there are no interpolation of whatsoever nature. The petitioners have also properly stated the traits and proved the affinity.

4. The learned Additional Government Pleader submits that one of the cousin aunt of the

petitioners is Yamuna Ramji. Her school record of the year 1969 records caste as Mannurvar. The same is a contra entry. The petitioners deliberately denied the relationship, however, the same is proved. The learned A.G.P. further submits that even the petitioners tried to interpolate the Khasra Patrak of the year 1954 – 1955 and tried to incorporate the caste Mannervarlu subsequently and the word "lu" is added subsequently. The learned A.G.P. submits that the petitioners could not prove the affinity also. The committee has considered the said aspect. It is not disputed that the father of petitioners Suhas and Shewta namely Bhagwan is issued with the validity certificate of Mannervarlu, Scheduled Tribe. Their real uncle Sahebrao is also issued with the validity certificate of Mannervarlu, Scheduled Tribe. All these petitioners are belonging to the same family as it appear from the genealogy submitted on record.

5. As far as Khasra Patrak is concerned, in fact

there is no column of caste in the Khasra Patrak. The Khasra Patrak would not enure to the benefit of the petitioners. As far as other documents of real uncle, father and the petitioners are concerned the caste is recorded as Mannervarlu and interpolation has not been found as seen from the judgment of the committee.

6. It appears that the cousin aunt of the petitioners namely Yamuna Ramji had taken admission on 20.06.1969 and in her record Mannurvar caste is recorded. The same would be a contra entry. However, there are consistent entries in the record of the father, real uncle and the aunt wherein caste is recorded as Mannervarlu.

7. Considering the validities being issued to the father and real paternal uncle of the petitioners Suhas and Sneha and also to the other family members in the same family, we set aside the judgment of the committee and direct the

committee to issue validity certificates to these petitioners of Mannervarlu, Scheduled Tribe immediately. The validity certificates issued to the petitioners would be subject to the decision that would be taken by the committee in case the validation proceedings of the validity holders relied by the petitioners are reopened and some adverse decision is taken in the same.

8. Writ Petitions are disposed of accordingly.

No costs.

[MANGESH S. PATIL, J.] [S. V. GANGAPURWALA, J.]

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