

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

988 WRIT PETITION NO.8690 OF 2019

**SWATI BALAJI PADALWAR THROUGH FATHER BALAJI BABURAO
PADALWAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

**...
Advocate for Petitioner : Jadhavar Pratap V.
AGP for Respondents:P.S.Patil**

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

DATE : 17/07/2019

PER COURT :

The caste claim of the petitioner is invalidated. The petitioner claims to be belonging to Mannervarlu (Scheduled Tribe). The learned counsel submits that the father of the petitioner Balaji, real paternal uncle Trimbak and another real paternal uncle Shrinivas are issued with the validity certificates of Mannervarlu (S.T.) The learned counsel submits that in the school record of the petitioner, his father, uncle the caste is consistently recorded as Mannervarlu. The vigilance nor the committee has found any interpolation in the said record. The committee has relied on entries of other persons who are not related to the petitioner. The petitioner has specifically filed his say to that effect to the vigilance report.

2] Mr.Patil, learned Additional Government Pleader submits that the petitioner has suppressed the fact that his relative viz.Chandrakant's caste claim was invalidated in the year 2005. The said order was confirmed by High Court. The learned AGP further

submits that the petitioner could not succeed in the affinity test also. In the case of other relatives of the petitioner such as cousin grand father, cousin grand mother, school record also records caste as Munnurvar.

3] We have considered the submissions and the record. It is not disputed that the father of the petitioner and two real paternal uncles of the petitioner are issued with the validity certificate of Mannervarlu (Scheduled Tribe). In the lineage of the petitioner, his father, the school record records the entry as Mannervarlu. The service book of the grand father of the petitioner of the year 1976 also records the caste as Mannervarlu.

4] Considering the validity is granted to the father of petitioner, his two real uncles and also the school records of the petitioner, his father , service record of his grand father regarding caste as Mannervarlu and in absence of any cogent evidence showing the relationship of the petitioner with those persons alleged as cousin grand father, cousin grand mother, the petitioner deserves to be granted validity certificate of Mannervarlu (Scheduled Tribe).

5] In light of the above, impugned judgment is quashed and set aside. The respondents shall issue validity certificate to the petitioner of Mannervarlu (Scheduled Tribe) immediately. If the validity certificate of the validity holders relied by the petitioner is cancelled then committee can take decision with regard to the validity of petitioner.

6] Writ Petition is disposed of. No costs.

(MANGESH S. PATIL,J.)

(S.V.GANGAPURWALA,J.)

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