

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

**1012 WRIT PETITION NO.8803 OF 2019**

MAYURI MADHAVRAO ALEWAD  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS

...  
Mr. C.R.Thorat, Advocate for Petitioner.  
Mr. P.S.Patil, AGP for Respondents-State.  
...

**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. Thorat, the learned counsel for the petitioner submits that the real brother of the petitioner and the real uncle of the petitioner is issued with the validity certificate of 'Mannervarlu' Scheduled Tribe. Four other paternal cousins are also issued with the validity certificates of 'Mannervarlu' Scheduled Tribe. The learned counsel submits that the school record of the petitioner, his father, grand father and all cousins record caste as 'Mannervarlu'. The Committee ought not to have taken a different view.
3. Mr. Patil, the learned counsel submits that the school

record of the petitioner's father records caste as 'Munurvar'. So also in respect of the real paternal aunt of the petitioner's father, the caste is recorded as 'Munurvar'. In case of the entry of caste as 'Mannervarlu' there are interpolations in the record. Even in the *Khasara Patrak* of the year 1954-1955 records caste as 'Munurvar'. All these aspects have been considered by the Committee in his correct perspective. The petitioner has also failed in the affinity test.

4. It is not disputed that the real brother of the petitioner namely Nilkanth is issued with the validity certificate of 'Mannervarlu' Scheduled Tribe. The real paternal uncle of the petitioner Sudhakar is issued with the validity certificate of 'Mannervarlu' Scheduled Tribe. Four paternal cousins of the petitioner are issued with the validity certificates of 'Mannervarlu' Scheduled Tribe namely Balaji Mahajan, Shankar Ramrao, Balaji Sambhaji and Pundlik Datta. The petitioner has produced the certified copy issued by the Head Master in respect of the school entry of the father wherein the caste is recorded as 'Mannervarlu'. However, the vigilance has found one entry in the school record of the father of the petitioner as 'Munurvar'. Earlier some other name was written and thereafter the name of the father is

written.

5. There is record in respect of petitioner's father, paternal aunt of 'Munurvar' and in respect of other cousins the record is in respect of 'Mannervarlu' however, it is said that the name 'Mannervarlu' is written in different ink.

6. Considering the validity certificates issued to the real brother and the real uncle of the petitioner and other four paternal cousins as referred to above, we pass the following order :

**ORDER**

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

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

(iii) The said validity certificate shall be subject to the decision that would be taken by the Committee, in case the validation proceeding in respect of the real brother of the petitioner is re-opened.

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

**(MANGESH S. PATIL, J.)**

**(S.V. GANGAPURWALA, J.)**

...

vmk/-