

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

**1017 WRIT PETITION NO.8815 OF 2019**

PRITI NIVRUTTI MITTEWAD AND OTHERS  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS

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Mr. P.V.Jadhavar, Advocate for Petitioners.  
Mr. P.S.Patil, AGP for Respondents-State.  
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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 petitioners as 'Mannervarlu' Scheduled Tribe is invalidated.

2. Mr. Jadhavar, the learned counsel submits that the father of the petitioners Nivrutti, two real uncles of the petitioners namely Namdeo and Vitthal and six children of the real uncles of the petitioners are issued validity certificate of the 'Mannervarlu' Scheduled Tribe. The petitioners have produced on record as many as 68 documents to prove their caste claim and there are no contra entries on record. In spite of the above, the Committee has invalidated the tribe claim. The Committee has doubted the

school record of Vitthal and Govinda on the ground that 'lu' has been added subsequently and in one of the uncle's record 'Manurvar' is mentioned. The learned counsel submits that there are other old records which have been considered by the earlier Committee while granting validity to the father of the petitioners, two real uncles of the petitioners and six children of the real uncle's of the petitioners.

3. Mr. Patil, the learned AGP submits that the school record of Vitthal and Govinda, the uncle and cousin uncle of the petitioner though shows the caste recorded as 'Mannervarlu' 'lu' has been written in different ink and as far as one uncle Nagnath is concerned, his school record mentioned caste as 'Manurvar'. This aspect has been considered by the Committee. According to the learned counsel, the petitioners also failed in the affinity test.

4. It is not disputed that the father of the petitioners, two real uncles of the petitioners namely Namdeo and Vitthal are issued with the validity certificate. It is also not disputed that the six children of the real uncle of the petitioners namely Vijay, Pooja, Pankaj, Vijaya, Ganesh and Ramesh are issued with the validity certificates of 'Mannervarlu' Scheduled Tribe. It is submitted that these entries were also

considered while granting validity to the predecessors of the petitioners.

5. Considering all these validities issued, we passed 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 petitioners 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 father of the petitioner is re-opened.

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

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

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

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vmk/-