

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

1079 WRIT PETITION NO.8825 OF 2019

**ADARSH DEEPAK MYATREKAR THROUGH FATHER DEEPAK
RAMDAS MYATREKAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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

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

DATE : 02/08/2019

PER COURT :

The caste claim of the petitioner is invalidated. Mr. Vibhute the learned advocate for the petitioner submits that caste claim of the real sister of the petitioner Sejal of Mannervarlu (S.T.) was invalidated. She filed W.P. bearing No. 10379/2017 before principal seat at Bombay. The Division Bench of this Court at the principal seat allowed the said Writ Petition under order dated 04.10.2017 and directed issuance of validity certificate to the real sister of the petitioner Sejal. The learned counsel submits that caste recorded as Telgu in the school record of the cousin, paternal aunt can not be said to be contra entry. In the school record of the petitioner, father, sister consistently caste is recorded as Mannervarlu. The aspect of Telgu being not separate caste is considered by the Division Bench of this Court while deciding the Writ Petition No. 10379/2017 filed by the real sister of the petitioner.

2] Mr. Patil, learned Add. G.P. submits that Telgu is a separate

caste. The sister of the petitioner suppressed the invalidity of father's caste claim. According to the learned Add. G.P. considering the contra entries and the failure of the petitioner in the affinity test the committee has not committed any error.

3] It appears that the contention of the petitioner is that father's caste claim was referred for validation in the year 1994 by his erstwhile employer. In the year 2003, the same is rejected. The petitioner was not heard at the time the claim was rejected and by the time it was rejected, father of the petitioner had changed the job. He did not receive copy of the order, did not have the knowledge of the order passed by the committee. The petitioner had thereafter joined employment at Zilla Parishad, Jalna. The Zilla Parishad, Jalna referred the name of the father of the petitioner to the committee in 2011. In 2017 the claim was invalidated on the ground that name of the tribe is incorrectly spelled, the petitioner approached this Court. Under directions of this Court the Sub Divisional Officer was directed to issue tribe certificate with the correct spelling and the claim is pending with the committee. The petitioner's father has thereafter filed Writ Petition challenging order of the year 2003.

4] Today the real sister of the petitioner Sejal is issued with the validity certificate of Mannervarlu (S.T.) under the orders of this Court at the principal Seat.

5] The learned Addl.G.P. submits that the proposal is moved by the respondent to review the order dated 4/10/2017 in Writ Petition No.10379/2017.

6] Considering the above, we pass the following order :

I] The impugned order to the extent of petitioner is quashed and set aside. The committee shall issue validity certificate to the petitioner of Mannervarlu (S.T.) immediately.

II] In case the respondent files review of the order dated 4/10/2017 in Writ Petition No.10379/2017 filed by the sister of the petitioner Sejal daughter of Dipak and in case the said review is allowed, the present petition will also be met with the same fate inasmuch as the present order is passed on the basis of the judgment and order passed in Writ Petition No.10379/2017 dated 4/10/2017 and in that case petitioner would not be entitled to claim any equity.

7] Writ Petition is disposed of. No costs.

(MANGESH S. PATIL,J.)

(S.V.GANGAPURWALA,J.)

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