

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

1020 WRIT PETITION NO.8822 OF 2019

SHIVANI TATYARAO KANLE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

1021 WRIT PETITION NO.8823 OF 2019

PRANALI TATYARAO KANLE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

1022 WRIT PETITION NO.8824 OF 2019

RUSHIKESH TATYARAO KANLE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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Mr. S.M.Vibhute, 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. The learned counsel for the petitioners relies on the validity issued to Laxman-real uncle of the petitioners and Ku. Prerna-daughter of another real uncle of the petitioners namely Chimnaji. The learned counsel submits that even in the school record of the father of the petitioners, caste is recorded as 'Mannervarlu'. Initially, the caste was not

recorded. The caste recorded in respect of the students, above the petitioners was 'Maratha' and the Head Master had just put the sign on same. The application was given stating that the caste is 'Mannervarlu'. In view of that the caste 'Mannervarlu' is recorded in the school record. The learned counsel submits that there are no other contra entries on record.

3. The learned AGP submits that in the school record of the uncle and father of the petitioners, the caste is recorded in a different ink and in a different hand writing. The vigilance has observed the same. The uncle of the petitioners namely Laxman is issued the validity only on the basis of validity issued to some distant relative. The petitioners also failed in the affinity test. The show cause notice has been issued to Laxman and Ku. Prerna as to why their validity should not be cancelled.

4. It is a matter of record that the real uncle of the petitioners namely Laxman is issued with the validity certificate so also the another real uncle's daughter Ku. Prerna - daughter of Chimnaji is issued with the validity certificate of the 'Mannervarlu' Scheduled Tribe. In the vigilance conducted at the time of issuing validity to Laxman,

the explanation given by the petitioners to the entry of 'Mannervarlu' appearing in the school record of the father of petitioner was placed. However, it appears that the Committee had not dealt with the same while issuing validity certificate to the Laxman. The *Pravesh Patrak* is also immediately given in the year 1976 mentioning that the caste of Laxman - uncle is 'Mannervarlu'.

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 cases of the validity holders whose proceedings are reopened and relied by the petitioners.

6. The Writ Petitions are disposed of. No costs.

(MANGESH S. PATIL, J.)

(S.V. GANGAPURWALA, J.)

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vmk/-