

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

904 WRIT PETITION NO.8831 OF 2019

SANKET BHARAT SINGANWAD
VERSUS
DIRECTOR OF MEDICAL EDUCATION AND RESEARCH CET CELL

...
Advocate for Petitioner : Mr. Mahesh S. Deshmukh h/f. Phatale Sagar S.
AGP for Respondents/State : Mr. P.S. Patil
...

**CORAM : S.V. GANGAPURWALA &
MANGESH S. PATIL, JJ.**
DATE : 31.07.2019

PC. :-

Mr. Deshmukh the learned counsel submits that the tribe claim of the petitioner as Mannervarlu Scheduled Tribe is invalidated. The learned counsel submits that the petitioner's father's real uncle's son namely Ananda s/o Ganpati is issued with the validity certificate of Mannervarlu Scheduled Tribe by the same committee. One of the paternal relatives of the petitioner Vaishnavi Jairam Singanwad had also applied for issuing the validity certificate, the committee rejected the same. Said Vaishnavi filed Writ Petition bearing No. 2075 of 2018. This Court under dated 03.08.2018 allowed the said writ petition and directed the committee to issue validity certificate to Vaishnavi Jairam Singanwad. The learned counsel submits that at the time of

granting validity to Ananda vigilance was conducted and entry of his grandfather i.e. cousin grandfather of the petitioner Ganpati Laxman was considered. The said entry is of the year 1953 recording caste as Mannervarlu. All these aspects are considered by this Court while allowing the Writ Petition No. 2075 of 2018 under judgment and order dated 03.08.2018.

2. Mr. Patil the learned A.G.P submits that in the school record of Ganpati Laxman of the year 1953 the entry of caste is not recorded. The committee has considered the vigilance report at the time of validation proceedings of Ananda and it was observed that the vigilance officer in connivance with the applicant therein had issued the said vigilance report. The paternal relatives contra entries in the school record are evident. The petitioners has failed in the affinity test.

3. It is not disputed that petitioner's father's real uncle's son Ananda Ganpati has been issued with the validity certificate by the committee of Mannervarlu Scheduled Tribe. It is also not disputed that Vaishnavi Jairam Singanwad is the paternal relative of the petitioner and conditional order was passed in her case directing to issue validity certificate to her by this Court. The vigilance report at the time of issuing validity to the Ananda and the vigilance report in the present case appear to be conflicting. The show cause

notice is already issued to the validity holders by the committee. Considering the order passed by this Court and the other aspects as referred to above we pass the following order.

4. The impugned order is set aside. The committee shall issue validity certificate to the petitioner of Mannervarlu Scheduled Tribe immediately.

5. The said validity certificate would be subject to the decision in the proceedings that are reopened in respect of the validity holders relied by the petitioner.

6. In case the validity certificate of the paternal relatives relied by the petitioner are subsequently invalidated, the petitioner cannot claim any equity nor would be entitled to protect the admission if obtained from S.T. category. Writ petition is disposed of. No costs.

[MANGESH S. PATIL, J.]

[S.V. GANGAPURWALA, J.]