

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

1026 WRIT PETITION NO.8828 OF 2019

SHARADA SAMBHAJI KALEWAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Mr. M.A.Golegaonkar, 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. Golegaonkar, the learned counsel for the petitioner submits that the real brother of the petitioner is granted validity under the order of this Court in Writ Petition No.7623 of 2018, dated 24.07.2018 at its Principal Seat. The learned counsel submits that there are validities granted to nine paternal cousins. According to the learned counsel, the documentary evidence also consistently records the caste as 'Mannervarlu' in all the documents. The Committee has relied upon the record of persons who are not related to the

petitioner.

3. The learned AGP opposes the petition and submits that there are contra evidence on record. The petitioner also failed in the affinity test. The contra evidence were suppressed by the petitioner. The vigilance could find the said contra evidence.

4. As far as the persons, whose contra evidence the Committee has relied, the relationship will have to be established of those persons. The claim of the real brother of the petitioner was also invalidated by the Committee. The real brother of the petitioner Ramchandra assailed the said judgment before this Court at its Principal Seat by Writ Petition No.7623 of 2018, this Court under order dated 24.07.2018 allowed the said Writ Petition setting aside the judgment of the Committee. The Court passed the conditional order to the effect that if the proceedings for cancellation of caste validity holder is against such caste certificate holders, it shall be open for the respondent-Committee to issue show cause notice to the petitioner as to why the validity certificate granted to him should not be cancelled and it would be open for the Committee to take the proceeding to its logical end. The certificate issued to the

petitioner is subject to the outcome of the proceeding of cancellation of the validity issued in favour of her blood relations.

5. Considering the aforesaid judgment delivered by this Court in the case of the real brother of the petitioner, we pass the following order :

ORDER

(i) The impugned order to the extent of the petitioner is quashed and set aside.

(ii) The Committee shall issue validity certificate of 'Mannervarlu' Scheduled Tribe to the petitioner immediately. If the proceedings for cancellation of caste validity holder is answered against such caste certificate holders, it shall be open for the respondent-Committee to issue show cause notice to the petitioner as to why the validity certificate granted to him should not be cancelled and it will be open for the Committee to take the proceeding to its logical end. Needless to say that the certificate issued to the petitioner is subject to the outcome of the proceeding for cancellation of

validity issued in favour of her blood relations.

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

(MANGESH S. PATIL, J.)

(S.V. GANGAPURWALA, J.)

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vmk/-