

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

942 WRIT PETITION NO.9060 OF 2019

SAYLI SAHEBRAO SUREWAD

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. Madhur A. Golegaonkar, Advocate for the
Petitioner.

Mr. P. S. Patil, AGP for Respondents-State.

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

DATED : 24th JULY, 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 father of the
petitioner namely Saheb Laxman Surewad is issued
with the validity certificate of 'Mannervarlu'
Scheduled Tribe. The paternal cousin of the
petitioner namely Madhav Girjaji is issued with the
validity certificate of 'Mannervarlu' Scheduled
Tribe. Another paternal cousin namely Balaji Kisan
is issued with the validity certificate of
'Mannervarlu' Scheduled Tribe. The school record
of the father of the petitioner, his brother, uncle

consistently record caste as 'Mannervarlu'. There are no contra entries. The Committee on the ground that in the school record of the father of the petitioner 'Mannervarlu' is written in English has discarded the said entry. The same entry was also subject matter of consideration with the Committee while granting validity to Saheb Laxman. In the said matter, the vigilance was conducted and the vigilance did not find any interpolation.

3. Mr. Patil, the learned AGP submits that the entry in the school record of the uncle of the petitioner namely Datta Surewad is the oldest entry of the year 1978 and 'Mannevarlu' is written in English and all other entries are in Marathi language. The entry in Marathi language of caste in the school record of father also appears to be manipulated. The learned AGP further submits that the petitioner also failed in the affinity test.

4. It is not disputed that the father of the petitioner is issued with the validity certificate of the 'Mannervarlu' Scheduled Tribe. Two other paternal cousins of the petitioner are also issued with the validity certificate of 'Mannervarlu' Scheduled Tribe. All the entries in the school records of the petitioner, her father, uncle, paternal cousin record caste as 'Mannervarlu'. The only disputed entry is in the school record of the unlce of the petitioner wherein it is said that the

said entry is manipulated as the same is written in English. The same entry was also subject matter of vigilance in case of Saheb Laxman and the Committee accepted the said entry.

5. Considering the above, we pass the following order :

ORDER

(i) The impugned judgment and order is quashed and set aside.

(ii) The Committee shall issue validity certificate to the petitioner of 'Mannervarlu' Scheduled Tribe immediately.

(iii) The said validity certificate shall be subject to the decision that would be taken by the Committee, in cases reopened of the validity holders relied by the petitioner.

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

(MANGESH S. PATIL)
JUDGE

(S. V. GANGAPURWALA)
JUDGE