

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

1002 WRIT PETITION NO.8858 OF 2019

SHWETA SHIVAJI MARAKWAD
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS

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Advocate for Petitioner : Mr. Vibhute Sunil M.
AGP for Respondents/State : Mr. P.S. Patil
Advocate for Respondents : Narwadkar Mrigesh D. for R/3

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

PC. :-

The learned counsel submits that the petitioner is aspiring to take admission in B.A.M.S. Course.

2. The learned counsel for the petitioner submits that the father of the petitioner is issued with the validity certificate of Mannervarlu Scheduled Tribe. Five sons and daughters of the real uncle of the petitioner are issued with the validity certificates. The two sons of the real uncle of the petitioner are directed to be issued with the validity certificates by this Court at the Principal Seat at Bombay in Writ Petition No. 7482 of 2018 under order dated 23.07.2018 and by this bench in Writ Petition no. 12471 of 2018 under order dated 27.11.2018.

3. The learned A.G.P. submits that there are large scale interpolations in the school record of the petitioner's father, cousins and his grandfather. The committee has considered the interpolations and also the validity certificates relied by the petitioner. The petitioner has also failed in the affinity test.

4. It is not disputed that Manoj s/o Balaji Marakwad is the petitioner's real paternal uncle's son, his claim was also invalidated. Said Manoj had filed Writ petition bearing No. 7482 of 2018 and under order dated 23.07.2018 the Principal Seat had allowed the said writ petition directing the committee to issue validity certificate to him with conditions.

5. The conditional validity is issued considering the interpolation noticed in the school record of Sopan Tukaram i.e. the father of the petitioner and that the show cause is also issued.

6. Considering the fact that the petitioners real paternal uncle's son is directed to be issued validity by the Principal Seat at Bombay in Writ Petition No. 7482 of 2018 under order dated 23.07.2018, so also the validity certificates as relied by the petitioner of his father and real paternal uncle's son and daughters, we pass the following order.

7. The committee is directed to issue tribe validity certificate to the petitioner of Mannervarlu Scheduled Tribe immediately. The same would be subject to the decision of the committee that would be taken in the proceedings reopened of the validity holders relied by the petitioner.

8. In case if the proceedings for cancellation of caste validity are answered against the certificate holders, then naturally the petitioner would also meet the same fate and in that event the petitioner would not be entitled to protect his admission. Writ petition is accordingly disposed of. No costs. This order is passed only to the extent of petitioner.

[MANGESH S. PATIL, J.]

[S.V. GANGAPURWALA, J.]