

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

1005 WRIT PETITION NO.8861 OF 2019

SOWJANYA SAIBABA NALLAMADG
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 : Mr. Narwadkar Mrigesh D. for R/3

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

PC. :-

Mr. Vibhute the learned counsel submits that the petitioner is seeking admission in B.A.M.S. Course.

2. The learned counsel submits that the real sister of the petitioner Sushma is issued with the validity certificate under orders of this Court at Principal Seat under order dated 23.07.2018 in Writ Petition No. 7511 of 2018. The real brother of the petitioner Sushant is also issued with the validity certificate of Mannernalru Scheduled Tribe under the orders of this Court in Writ Petition No. 12054 of 2018 dated 03.12.2018. According to the learned counsel, cousin of the petitioner Gajanan s/o Ramesh has been issued with the validity certificate under orders of this Court in Writ Petition No.

9738 of 2018 dated 23.08.2018. The learned counsel submits that three real uncles of the petitioner namely Ramesh s/o Hanmantrao, Shriramlu s/o Hanmantrao and Vijay s/o Hanmantrao are issued with the validity certificates by the committee. There are other paternal cousins of the petitioner that are also issued with the validity certificate by the committee. The learned counsel submits that the school record of the year 1965 in the name of cousin Yadav who has been issued with the validity certificate is dated 09.09.1965 and the committee has observed that there is no interpolation. The school record of the petitioner records caste as Mannervarlu, so also of his relatives and father.

3. The learned A.G.P. submits that show cause notices are issued to the validity holders relied by the petitioner.

4. The school record of Yadav also appears to be interpolated. In the school record of the petitioner's relative the caste is recorded Munnurvar, these are contra entries on record.

5. The relations and the issuance of the validity certificates as narrated by the petitioner are not disputed. Under the orders of this Court, the real brother and sister of the petitioner are issued with the validity certificates. There are other paternal relatives of the petitioner who are issued with the validity certificates. As per the judgment of the committee the entry

of Yadav of the year 1965 records caste as Mannervarlu and the committee has not observed any manipulation in the said entry. The committee has also observed about some other entries of Munnurvar of some relatives.

6. Considering the orders of this Court passed in the matters referred to above, we pass the following order.

7. The committee shall issue the tribe validity certificate to the petitioner of Mannervarlu Scheduled Tribe forthwith. The same shall be subject to the proceedings reopened by the committee in respect of the validity holders relied by the petitioner. If the validity certificates issued to the validity holders relied by the petitioner are negatived then the petitioner would not claim equity nor would be entitled to protect her admission. Writ petition is disposed of. No costs.

[MANGESH S. PATIL, J.]

[S.V. GANGAPURWALA, J.]