

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

1004 WRIT PETITION NO.8860 OF 2019

TANUPRIYA MURLIDHAR POPULWD
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. :-

The caste claim of the petitioner as Mannervarlu Scheduled Tribe is invalidated.

2. Mr. Vibhute the learned advocate for the petitioner submits that in the school record of the petitioner his uncle, grand father the caste is recorded as Mannervarlu. There are no allegations of interpolation. The learned advocate submits that the tribe claim of the real paternal uncle of the petitioner namely Avadhut Kishanrao is validated by the committee. The committee also validated caste claim of another real paternal uncle of the petitioner namely Balaji Kishanrao. The learned advocate submits that at that time also vigilance was conducted, there are no allegations of interpolation

either in the vigilance report or in the observations of the committee.

3. The learned A.G.P. submits that the petitioner has failed in the affinity test. The caste recorded in the school record of the relative is Munnervar the same can be considered as a contra entry. The committee has considered all these aspects and the decision has been taken to issue show cause notice to the validity holders relied by the petitioner as to why their proceedings should not be reopened.

4. We have considered the submissions. The relationship of the petitioner with the validity holders is not disputed. Avadhut Kishanrao and Balaji Kishanrao the real paternal uncles of the petitioner are issued with the validity certificates on 13.06.2011 and 25.04.2011.

5. At the time of issuing validity to those persons vigilance was conducted. In the present matter the school record of the petitioner's father, grandfather, uncle reveal the caste recorded as Munnervarlu and or Mannurvarlu. Going by the judgment of the committee, we do not find any specific finding of interpolation in the school record.

6. Even otherwise the committee has issued show cause notice to the validity holders relied by the petitioner. Considering all the aforesaid

aspects, there are no specific findings of interpolation by the committee, we pass the following order.

7. The impugned judgment to the extent of petitioner is quashed and set aside. The committee shall immediately issue validity certificate to the petitioner of Mannervarlu Scheduled Tribe. The said certificate shall be subject to the decision that would be taken by the committee in respect of the validity holders relied by the petitioner and whose claims have been reopened. In the event, the validity certificates issued to the validity holders relied by the petitioner are invalidated then the petitioner would not be entitled to claim equity or protect her admission.

8. Writ petition is disposed of. No costs.

[MANGESH S. PATIL, J.]

[S.V. GANGAPURWALA, J.]