

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
979 WRIT PETITION NO.8866 OF 2019**

TEJAS HAUSAJI MARAKWAD

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. Chandrakant R. Thorat, 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 : 01st AUGUST, 2019.**

PER COURT:-

1. The tribe claim of the petitioner as Mannervarlu, Scheduled Tribe is invalidated.

2. Mr. Thorat, learned counsel submits that the father of the petitioner Hausaji is issued with the validity certificate of Mannervarlu, Scheduled Tribe. The real brother of the petitioner Pratik is issued with the validity certificate of Mannervarlu, Scheduled Tribe. One Sambhaji son of real paternal uncle of the petitioner Rama is issued with the validity certificate of Mannervarlu, Scheduled Tribe. The learned counsel further submits that the Pravin son of another real paternal uncle of the petitioner Keshav is issued with the validity certificate of Mannervarlu, Scheduled Tribe. The vigilance was conducted at the time of issuance of validity to the father of the petitioner. The learned counsel submits that

there is not a single contra entry on record. All the entries in the school record of the petitioner, his father, brother record caste as Mannervarlu.

3. Mr. Patil, learned A.G.P. submits that the records relied by the petitioner are of recent origin. The oldest record produced is of the father of the petitioner that is of the year 1971 and the other records are of the year 1999, 2001 and 2010. According to the learned A.G.P. the validity to the father of the petitioner is granted on the basis of the validity granted to some other relatives. In absence of any old record, it would be unsafe to issue validity to the petitioner. The petitioner has failed in affinity test also. The show cause notices are issued to the father of the petitioner and to the other validity holders relied by the petitioner.

4. It is not disputed that the father of the petitioner is issued with the validity certificate of Mannervarlu, Scheduled Tribe. The relationship as described by the petitioner and referred to above is not disputed. It is also not disputed that the validity certificates are issued to all those persons referred to by the petitioner. It also appears that in the record produced there is no contra entry appearing on record. The oldest entry relied by the petitioner is of the year 1971. The old entry prior to the same is not on record. The committee observed about the contra entries in

respect of the Bhavakies, however, the relationship in the present matter is not established.

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

ORDER

i. The impugned order is quashed and set aside.

ii. The committee shall issue validity certificate to the petitioner of Mannervarlu, Scheduled Tribe. The same would be subject to the decision that would be taken by the committee in the proceedings that are reopened of the validity holders relied by the petitioner. In case, the validity certificates issued to the validity holders relied by the petitioner are canceled, then the petitioner would not be entitled for any equity. The present order would be limited to the extent of the petitioner.

6. Writ Petition is disposed of. No costs.

(MANGESH S. PATIL)
JUDGE

(S. V. GANGAPURWALA)
JUDGE