

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
955 WRIT PETITION NO.9075 OF 2019**

AKANKSHA SAHEBRAO AKULWAR AND ANOTHER
..PETITIONERS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

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Mr. Pratap V. Jadhavar, Advocate for the
Petitioners.

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

Mr. S. G. Karlekar, Advocate for Respondent No.3.

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

DATED : 24th JULY, 2019.

PER COURT:-

1. The caste claims of petitioners as
'Mannervarlu', Scheduled Tribe are invalidated.

2. Mr. Jadhavar, learned counsel submits that
the same committee has issued validity certificate
to the father of petitioners. It has also issued
validity certificate to the real paternal Aunt of
petitioners. The learned counsel submits that the
school record of the father of petitioners record
caste as 'Mannervarlu'. The school record of the
grandfather of petitioners is of the year 1955. The
learned counsel submits that the vigilance was
conducted while granting the validity to the father
of petitioners. The school records of grandfather
and father of petitioners were verified by the
vigilance at the relevant time while issuing

validity to the father of petitioners. The learned counsel submits that the respondents are relying on the entry of one Maruti Lachchhamanna Akulwar cousin grandfather of petitioners of the year 1964 recording entry as 'Munnurkapu', however, the entry prior to that is of 'Mannervarlu'. According to the learned counsel, it is not the case that the validity was issued to the father of petitioners without vigilance.

3. Mr. Patil, learned A.G.P. submits that the school record of the grandfather of petitioners Linguram Lachchhamanna Akulwar, though of the year 1955, however, the caste 'Mannervarlu' is written in different a ink and different handwriting. The school record of the year 1964 of the cousin grandfather of petitioners Maruti Lachchhamanna Akulwar records caste as 'Munnurkapu'. There is no overwriting. Even, in the school record of the father of petitioners the caste is written in different ink. The learned counsel submits that petitioners have also failed in vigilance test. In view of the contra evidence on record and in the school record of the petitioners' father and grandfather caste is written in different ink, petitioners are not entitled for validity. The show cause notice is already issued to the father of petitioners and real paternal Aunt of petitioners.

4. It appears that vigilance was conducted at the time of issuance of the validity certificate to the father of petitioners. The vigilance has given report with regard to the school record of the petitioners' father and grandfather. They had not opined about any interpolation. It is the case of respondent that at the time the vigilance was conducted in the petitioners' father case, the vigilance did not visit the school to verify the school, however, that was job of the vigilance officer. The vigilance officer at the time of validation proceedings of the father of the petitioner has also opined that the information given about the trait and custom is in conformity with those practices with 'Mannervarlu', Scheduled Tribe. The committee had not given any contra finding in respect of the same.

5. Considering the above, we set aside the impugned order and direct the committee to issue validity certificate to petitioners of 'Mannervarlu', Scheduled Tribe subject to the validity proceedings reopened in case of father and real paternal Aunt of petitioners.

6. We pass the following order:

ORDER

1. The impugned orders are quashed and set aside.
2. The committee shall issue validity certificate to petitioners of 'Mannervarlu', Scheduled

Tribe. The said certificate shall be subject to the decision that would be taken by the committee, in cases re-opened of the validity holders relied by petitioners. In case, their claims are invalidated, petitioners will not be entitled to protect their admission and the said admission shall stand cancelled, if obtained from S.T. category.

8. Writ Petition is disposed of. No costs.

(MANGESH S. PATIL)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

Devendra/July-19