

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
991 WRIT PETITION NO.9218 OF 2019**

SAGAR SATISH TOTAWAR

..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 for the petitioner submits that two real paternal uncles of the petitioner namely Sunil and Balaji are issued with the validity certificate of Mannervarlu, Scheduled Tribe. The school entry of the petitioner, his father, grandfather record caste as Mannervarlu. There are no contra entries on record. Still the committee has invalidated the tribe claim on the basis of the record of some other persons who are not related to the petitioner.

3. Mr. Patil, learned A.G.P. submits that there are contra entries on record. In the school

record of grandfather of the petitioner Bhimrao (Bhumanna) caste recorded as Mannervarlu is suspicious. The same appears in the different ink. According to the learned A.G.P. the petitioner also failed in the affinity test. The show cause notices are issued to the validity holders relied by the petitioner.

4. The relationship of the petitioner and his paternal uncles Sunil and Balaji is not disputed. It is also not disputed that the Sunil and Balaji are issued with the validity certificate of Mannervarlu, Scheduled Tribe.

5. It appears that school record of the petitioner's father record caste as Mannervarlu. The vigilance was conducted at the time of issuance of validity to the Sunil wherein the entry of the grandfather of the petitioner Bhimrao (Bhumanna) of the year 1955 was also considered. In the present case, it is observed that the ink recording the caste is different. The show cause notice is already issued to the validity holders.

6. 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. As far as the cases of other persons decided by the impugned order are concerned, the same would be considered after the proceedings of the validity holders are concluded.

7. Writ Petition is disposed of. No costs.

(MANGESH S. PATIL)
JUDGE

(S. V. GANGAPURWALA)
JUDGE