

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

1023 WRIT PETITION NO.9338 OF 2019

RUTUJA RAMESH JAWADWAD THROUGH FATHER
RAMESH SAMBHAJI JAWADWAD

VERSUS

THE STATE OF MAHARASHTRA AD OTHERS

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Advocate for Petitioner : Mr. Vibhute Sunil M.

AGP for Respondents/State : Mr. A.R. Kale

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 father of the petitioner Ramesh, the real uncles of the petitioner namely Ganesh, Tukaram, Eknath are issued with the validity certificates. The son and daughter of the real uncle of the petitioner Tukaram namely Manisha and Nitesh are issued with the validity certificates of Mannervarlu Scheduled Tribe. The son and daughter of another real uncle of the petitioner Eknath namely Kiran and Ashwini are also issued with the validity certificates of the Mannervarlu Scheduled Tribe.

2. The learned counsel submits that the first cousin of the petitioner

namely Balaji s/o Madhav and Sonali d/o Madhav are also issued with the validity certificates of the Mannervarlu Scheduled Tribe. The learned counsel submits that entries in the school record of the father of the petitioner, the uncle of the petitioner, the aunt of the petitioner records caste as Mannervarlu. All these persons are issued with the validity certificates, even earlier vigilance has been conducted.

3. Mr. Kale the learned A.G.P submits that in the school record of the uncle of the petitioner Eknath the word “lu” has been added subsequently and in the school record of another uncle of the petitioner Tukaram records caste as Munnervar. The committee has considered the same. The petitioner has failed in the vigilance. All these record was not brought earlier to the notice of the committee while validities were granted.

4. The relationship of the petitioner with all the validity holders as referred to above is not disputed. The same also appears to have been accepted by the committee.

5. The school record of the petitioner, his father appears to record the caste as Mannervarlu / Munnarvarlu. In case of school entry of one uncle Eknath of 1968 the committee has opined that the word “lu” appears to be in a different ink and the school entry of Tukaram is recorded as Munnarvar. The

certificate is obtained from the T.C. book. It is further submitted that the validity certificates issued to the father of the petitioner, the uncle, their sons are reopened.

6. Considering all the aforesaid aspects of the matter, we pass the following order.

7. The impugned order is quashed and set aside. The committee shall issue validity certificate to the petitioner of Mannervarlu Scheduled Tribe. The said certificate shall be subject to the decision of the committee in case of validity holders whose cases are reopened and relied by the petitioner.

8. In case in respect of the validity certificates issued to the validity holders relied by the petitioner is cancelled then the petitioner would not be entitled to claim equity nor would be entitled to protect her admission in case her admission is obtained from reserved category.

9. Writ petition is disposed of. No costs.

[MANGESH S. PATIL, J.]

[S.V. GANGAPURWALA, J.]