

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

**WRIT PETITION NO. 2540 OF 2019
WITH
CIVIL APPLICATION NO.14401 OF 2019**

**OMKAR NARSING WANAPWAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for Petitioner :
Mr. Golegaonkar Madhur A.
AGP for Respondents : Mr. K. N. Lokhande

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WRIT PETITION NO. 1805 OF 2019

**NARSING PIRAJI WANAPWAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Advocate for Petitioner :
Mr. Golegaonkar Madhur A.
AGP for Respondents : Mr. K. N. Lokhande

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**CORAM: S. V. GANGAPURWALA &
AVINASH G. GHAROTE, JJ.**

DATE: 06th DECEMBER, 2019

PER COURT:

1. The petitioners in both these writ petitions are father and son. The caste claim of the petitioner Omkar and his real sister Kum. Rutuja were invalidated by the common judgment of the

scrutiny committee. Sister Kum. Rutuja, filed writ petition No. 9061 of 2019 before the principal seat. The principal seat, under the judgment and order dated 22.08.2019 allowed the writ petition filed by the real sister of the petitioner Omkar and directed the committee to issue validity certificate to the petitioner therein.

2. By a separate judgment the caste claim of the petitioner Nursing i.e. the father is also invalidated.

3. Under the judgment of this court at the principal seat dated 22.08.2019 in writ petition filed by the real sister of Omkar bearing no. 9061 of 2019 the committee has been directed to grant validity to the real sister of the petitioner without any condition. The principal seat has considered the evidence on record, So also, the addition of word 'lu'. It relied more on the entry of the year - 1952 of the grandfather.

4. In the writ petition filed by the real sister of the petitioner, the common judgment, pursuant

to which even the petitioner Omkar's caste claim was also invalidated is set aside at the principal seat and the committee is directed to grant validity without any condition. No other view would be possible. The same analogy also will have to be applied in case of the father of the petitioner.

5. In view of that and for the reasons recorded in the judgment dated 22.08.2019 in Writ Petition No. 9061 of 2019 at the principal seat, the present writ petitions are also allowed. The impugned judgments of the scrutiny committee are quashed and set aside. The committee shall issue validity certificates to the petitioners of Mannervarlu, Scheduled Tribe. The writ petitions are accordingly allowed.

6. The writ petitions and the civil application are disposed of. No costs.

[AVINASH G. GHAROTE, J.] [S. V. GANGAPURWALA, J.]