

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

916 WRIT PETITION NO.9444 OF 2019

1. LINGESHWAR VYANKATRAO PALLEWAD

2. VYANKAT VITTHALRAO PALLEWAD

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioners : Mr. Jadhavar Pratap V.

AGP for Respondents/State : Mr. P.S.Patil

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

DATE : 31.07.2019

PC. :-

Mr. Jadhavar the learned counsel submits that the petitioner no.2 would file a separate petition challenging his invalidation and seeks deletion of petitioner no.2 and respondent no.5. Leave granted.

2. We are considering the impugned judgment to the extent of petitioner no.1 namely Lingeshwar.

3. Mr. Jadhavar the learned counsel submits that three of the paternal relatives of the petitioner namely Rushikesh s/o Uddhav, Kranti d/o Yadav and Karan s/o Yadav are issued with the validity certificates under the orders of this Court. Two real uncles of the petitioner namely Bharat and

Dattatray are issued with the validity certificates by the committee, so also another real paternal cousin namely Shankar s/o Rajaram is issued with the validity certificate by the committee, so also other paternal cousins of the petitioner Madhav s/o Manohar, Uddhav s/o Manohar, Yadav s/o Manohar and Surekha d/o Manohar are issued with the validity certificates by the committee. The learned counsel submits that all along the school record of all the paternal cousins, relatives of the petitioner records caste as Mannervarlu.

4. Mr. Patil the learned A.G.P submits that the vigilance has considered the record and has found the record of the petitioner's father and his grandfather being interpolated. The word "lu" has been added subsequently. The said aspect has been considered by the vigilance and the committee. The show cause notices are issued to the validity holders relied by the petitioner. The petitioner has failed in the affinity test.

5. The relationship of the parties as referred to in the submission of the learned advocate for the petitioner is not disputed, so also the issuance of validities to these persons is not disputed.

6. Three of the paternal cousins of the petitioner are directed to be issued with the validity certificate under the orders of this Court. The show cause notices are issued. The findings of the committee in case of the

petitioner's relatives and in the present matter appear to be conflicting.

7. Considering the above, we are inclined to grant conditional validity to the petitioner.

8. The impugned judgment to the extent of the petitioner is set aside with certain conditions.

9. The committee shall issue validity certificate to the petitioner of Mannervarlu Scheduled Tribe immediately. The said validity certificate shall be subject to the decision that would be taken by the committee in the proceedings that are reopened in respect of the validity holders relied by the petitioner.

10. In case the claims of the validity holders relied by the petitioner are negated and the said validity certificates are cancelled then the petitioner would not be entitled to claim any equity or protect his admission. Writ petition is accordingly disposed of. No costs.

[MANGESH S. PATIL, J.]

[S.V. GANGAPURWALA, J.]