

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

WRIT PETITION NO. 10557 OF 2019

Vinayak Hanmantrao Gopulwad .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Sunil M. Vibhute, Advocate for the Petitioner.
Shri P. S. Patil, Addl.G.P. for Respondent Nos. 1 and 2.
Shri S. G. Karlekar, Advocate for the Respondent No. 3.

**CORAM : S. V. GANGAPURWALA AND
ANIL S. KILOR, JJ.**

DATE : 05TH SEPTEMBER, 2019.

FINAL ORDER :

. The Tribe claim of the petitioner as belonging to 'Mannervarlu' (Scheduled Tribe) is invalidated.

2. Mr. Vibhute, the learned counsel for the petitioner submits that, the father of the petitioner namely Hanmanta and two real sisters of the petitioner namely Veena and Vijaya are issued with validity certificates of Mannervarlu (S.T.). The cousin grandfather of the petitioner namely Mohan is also issued with the validity certificate of Mannervarlu (S.T.). The petitioner is not related with Nagnath, as such invalidation of the tribe claim of the Nagnath would not affect the case of the petitioner.

According to the learned counsel school record of the petitioner, his father and uncle records tribe as Mannervarlu. All these documents relied by the Committee were before the Committee while issuing validity certificates to the father of the petitioner and two real sisters of the petitioner.

3. The learned Additional Government Pleader for respondent Nos. 1 and 2 submits that, the petitioner has failed in affinity test. There is contra evidence on record. The contra evidence was not considered when the validity certificates were issued to the father and real sisters of the petitioner. According to the learned Addl. G. P., the Committee had issued validity certificates in favour of the sisters of the petitioner and father of the petitioner on the basis of validity issued to Mohan and all these entries were not considered.

4. We have considered the submissions canvassed by the learned counsel for respective parties.

5. It is not disputed that the father of the petitioner namely Hanmanta and two real sisters of the petitioner namely Veena and Vijaya are issued with validity certificates of Mannervarlu (S.T.) The cousin grandfather of the petitioner Mohan is also issued with the validity certificate of Mannervarlu (S.T.) The Committee has issued show causes notices to the validity holders

relied by the petitioner. The reliance can be had on the judgment of this Court in a case of **Apoorva Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee and others** reported in ***2010 (6) Mh. L. J. 401.***

6. Considering the above, we pass following order.

7. The Committee shall issue validity certificate to the petitioner of belonging to "Mannervarlu" (Scheduled Tribe). Said certificate would be subject to the decision that would be taken by the Committee in the cases reopened by the Committee in respect of validity holders relied by the petitioner.

8. In view of the above, the writ petition is disposed of. No costs.

[ANIL S. KILOR, J.]

[S. V. GANGAPURWALA, J.]

bsb/Sept. 19