

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

59 WRIT PETITION NO.10759 OF 2018

RAJIV PRABHU MUTTEPOD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner: Mr Vibhute Sunil M.
Addl.GP for Respondents: Mr P.S.Patil
Advocate for Respondent No.3 : L.V. Sangeet
Advocate for Respondents No.4 : Mr. A.N. Ayachit h/for
Mr. K.C. Sant

**CORAM : S. V. GANGAPURWALA &
A. M. DHAVAL, JJ.**

DATE : 15th April, 2019

PER COURT :

1. Tribe claim of the petitioner as Mannervarlu Scheduled Tribe has been invalidated. Aggrieved thereby, the present petition.

2. Mr. Vibhute, the learned Advocate for the petitioner submits that the father of the petitioner has been issued with validity certificate on 23.06.2011. Father of the petitioner had also given a statement of he being issued with the validity certificate. However, inadvertently copy of the validity certificate was not filed before the Committee. The committee ignored the validity certificate issued in favour of the father of

petitioner. Validity granted in favour of the cousin of the petitioner is also not considered. There was nothing on record to conclude that school record of the father of petitioner has been tampered with by the father of the petitioner. The document has not been considered in proper perspective.

3. Mr. Patil, learned Addl. G.P. submits that in fact the validity by the cousin of the petitioner Gangabai has been obtained by giving false genealogy. Learned Addl.G.P. submits that the petitioner did not produce the validity certificate granted in favour of his father. The same appears to be granted without following proper procedure.

4. We have considered the submissions.

5. It appears that father of the petitioner had made a statement that he has been issued with validity certificate of Mannervarlu Schedule Tribe. However, the petitioner or his father failed to produce the validity certificate issued in favour of father of the petitioner. The petitioner is required to blame himself for that.

6. It appears that copy of the validity certificate issued in favour of the father of the petitioner is produced on record. The same appears to have been issued on 23.06.2011.

7. The Committee will be required to consider the the manner in which the validity is issued to the father of the petitioner and the record and documents considered therein. If the validity is issued in favour of father of the petitioner without conducting vigilance or on the basis of some forged or fabricated documents, then certainly it is for the committee to take further course of action.

8. However, if the validity is issued in favour of the father of the petitioner by following proper procedure, then the same would be relevant fact while considering the claim of the petitioner.

9. In the light of above, we are inclined to relegate the matter to the committee. The impugned order invalidating the tribe claim of the petitioner is quashed and set aside. The matter is relegated before the committee for decision afresh.

10. The petitioner shall appear before the committee on 29.04.2019. The committee shall consider the record produced while issuing validity to the father of the petitioner and upon arriving at the conclusion with regard to the manner in which validity is issued to the father of the petitioner, shall take further course of action in accordance with law.

11. The committee shall decide the validation proceeding in respect of the tribe claim of the petitioner within three months from the date of appearance of th petitioner.

12. The genealogy shall also be verified by the committee through vigilance.

13. The petitioner shall give an undertaking to the University and the college that if he is allowed to do the job as per bond, then the same is subject to the decision of the committee in the validation proceeding and if validation proceeding is decided against the petitioner, the petitioner shall not claim equity or any right. Such undertaking shall be filed on or before 29.04.2019.

14. While obtaining the ICC also such undertaking shall be given by the petitioner.

15. Writ petition is accordingly disposed of. No costs.

(A. M.DHAVALA, J.)

(S.V.GANGAPURWALA, J.)

JPC