

psv

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.9009 OF 2019

Rohan S/o. Laxman Akulwar through POA Laxman S/o.Gangaram Akulwar	..Petitioner
Vs.	
The State of Maharashtra through Secretary & Ors.	..Respondents

Mr.Sunil Vibhute for Petitioner.
Mr.A.A. Kumbhakoni, Advocate General with Mr.P.P. Kakade,
Government Pleader with Mr.Akshay Shinde, Counsel 'B' Panel for State.

**CORAM : NITIN W. SAMBRE AND
G.S. KULKARNI, JJ.**

DATE : 20th AUGUST, 2019

P.C.:

1. Heard.
2. The claim of the Petitioner as belonging to 'Mannervarlu', Scheduled Tribe, is rejected by the order impugned dated 31 July 2019. The cause for rejection cited in the order impugned is, adverse entry in relation to Maroti Iranna Akulwar. The said Maroti claims to have been admitted on 16 June 1966 in Zilha Parishad High School at Deglur wherein caste entry is recorded as 'Mannervarlu'. It is claimed that there is overwriting in the aforesaid entry.
3. Though in reply to the Vigilance Cell Report the Petitioner has denied his blood relation with said Maroti, however, in the family tree produced by the petitioner at page 26, one Deepak, son of Ramesh Gangaram Akulwar is shown to be cousin brother of the Petitioner. This

Deepak holds validity as belonging to 'Mannervarlu', which is relied upon by the Petitioner in support of his claim for grant of validity. The Respondent-committee has produced before us the record pertaining to grant of validity in favour of said Deepak who in categorical terms claims to have admitted his relation with said Maroti.

4. It is brought to our notice by the committee that Deepak is already served with a notice for cancellation of validity.

5. In the aforesaid background, we have examined the documents which are produced by the Petitioner before the committee in support of his tribe claim. The school admission record in relation to father of the Petitioner namely Laxman, of 9 July 1979 speaks of the caste entry as 'Mannervarlu'. The said entry is consistently carried in the document of the other blood relations. The Petitioner has relied on 26 September 1969 caste entry as 'Mannervarlu' in relation to Ramesh, father of said Deepak.

6. In the aforesaid background, even if the committee has proceeded against Deepak for cancellation of the claim for validity, this Court is of the view that there is sufficient documentary evidence of 1969 onwards in relation to the blood relation of the Petitioner as that of belonging to 'Mannervarlu', Scheduled Tribe which prima-facie entitle the Petitioner for the relief claimed.

7. That being so, the order impugned dated 31 July 2019 is hereby quashed and set aside.

8. The Respondent-committee is directed to issue caste validity certificate in favour of the Petitioner subject to outcome of the

cancellation of validity issued in favour of cousin brother Deepak, son of Ramesh.

9. The Petition stands allowed in the above terms.

[G.S. KULKARNI, J.]

[NITIN W. SAMBRE, J.]