

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

WRIT PETITION NO. 7558 OF 2018

Rohit Ravindra Totawar
and another

... Petitioners.

Versus

The State of Maharashtra
and another

... Respondents.

....

Mr. A.S. Deshpande, Advocate for the Petitioner.
Mr. P.S. Patil, Additional G.P. for Respondent Nos. 1 and 2.

....

**CORAM : S.V. GANGAPURWALA AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 22nd DECEMBER, 2020

PER COURT:-

1. The caste claim of the petitioners as “Mannervarlu” Scheduled Tribe is invalidated.
2. The learned counsel for the petitioners submits that the father of the petitioners is issued with the validity certificate of Mannervarlu” Scheduled Tribe. The real uncle of the petitioners namely Ramrao and Laxman are also issued the validity certificate of

the Mannervarlu” Scheduled Tribe. There are 24 validity certificates issued in the family of the petitioners. Still the committee has invalidated the tribe claim of the petitioners. The learned counsel of the petitioners submits that the committee has invlaidated the caste claim of Vijay son of the real uncle Satyanarayan Totawar. He filed the writ petition No.7507 of 2018 before the principal seat at Bombay. The Division Bench allowed the writ petition under order dated 23.07.20418 directing the committee to issue validity certificate to Vijay Satyanaran Totawar.

3. The learned counsel submits that all the entries of the subject matter of the impugned order were also the subject matter of consideration before the High Court at the principal seat in the matter of Vijay Satyanarayan Totawar.

4. Mr. Patil, the learned Additional Government Pleader submits that the entries in the school record of the petitioner’s uncle are interpolated. The said aspect has been considered by the committee. The committee has rightly invalidated the caste claim of the petitioners. The petitioners have failed in the affinity test.

5. We have considered the submissions, the relationship of the petitioners with Vijay son of the real uncle of the petitioners is not disputed. His claim was also invalidated. He filed writ petition bearing No.7507 of 2018 before the principal seat at Bombay against the invalidation of his tribe claim. The same is allowed under order dated 23.07.2018. In the said order, the Division Bench has observed as under:

“7. In the circumstances, in the light of the judgment in the case law laid down in the cases of Apporva Nichale, Anand Vs. Committee and Raju Ramsing Vasare (supra), the petitioner is entitled to be granted caste validity certificate forthwith. However, the issuance of the certificate shall be subject to the outcome of the show cause notice which has been issued against the uncles of **the Petitioner** by the Committee as the caste validity certificate issued to them is found to be based on interpolation/adverse entries.”

6. For the reasons stated by the Division Bench at the principal seat in its order dated 23.07.2018 in writ petition No.7507 of 2018, we follow the same course and pass the following order.

7. The impugned order is quashed and set aside. The committee is

directed to issue the validity certificate to the petitioners of “Mannervarlu” Scheduled Tribe immediately.

8. The said validity certificates shall be subject to the decision that would be taken by the committee in the proceedings re-opened by the validity holders relied by the petitioners.

9. The Writ Petition is disposed of. No costs.

(**SHRIKANT D. KULKARNI**)
JUDGE

(**S.V. GANGAPURWALA**)
JUDGE

S.P. Rane