

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

WRIT PETITION NO. 7249 OF 2020

Anjali Pralhadrao Kanle

..PETITIONER

VERSUS

State of Maharashtra and Others

..RESPONDENTS

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Mr. S.M. Vibhute, Advocate for petitioner

Mr. K.B. Jadhavar, A.G.P. for respondent – State

Mr. M.D. Narwadkar, Advocate for respondent no.3

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**CORAM : S.V. GANGAPURWALA AND
R.G. AVACHAT, JJ.**

DATED : 04th NOVEMBER, 2020

PER COURT :

Caste claim of the petitioner as Mannervarlu, Scheduled Tribe is invalidated.

2. Learned counsel for the petitioner submits that the petitioner relies on the validity issued in favour of father of the petitioner so also in favour of Laxman – uncle of the petitioner and Ms. Prerna – daughter of another uncle of the petitioner viz. Chimnaji. Learned counsel submits that even in the school record of father of the petitioner, caste is recorded as Mannervarlu. Initially, the caste was not recorded. The caste recorded in respect of the students above the petitioner was ‘Maratha’ and the Head Master had just put

the sign on same. The application was given stating that the caste is Mannervarlu. In view of that the caste Mannervarlu is recorded in the school record. Learned counsel submits that there are no other contra entries on record.

3. Learned A.G.P. submits that in the school record of uncle and father of the petitioner, the caste is recorded in a different ink and in a different hand writing. The vigilance has observed the same. Uncle of the petitioner viz. Laxman is issued the validity only on the basis of validity issued to some distant relative. The petitioners also failed in the affinity test. The show cause notice has been issued to Laxman and Ms. Perna as to why their validity should not be cancelled.

4. It is a matter of record that father and uncle of the petitioner are issued with the validity certificates so also another uncle's daughter – Ms. Perna – daughter of Chimnaji is issued with the validity certificate of Mannervarlu Scheduled Tribe. In the vigilance conducted at the time of issuing validity to Laxman, the explanation given by the petitioner to the entry of Mannervarlu appearing in the school record of father of the petitioner was placed. However, it appears that the Committee had not dealt with the same while issuing validity certificate to Laxman. The Pravesh Patrak is also immediately given in the year 1976 mentioning that the caste of Laxman – uncle is Mannervarlu.

5. It also appears that the children of uncle of the petitioner – Tatyarao are directed to be issued with conditional validity under order of this Court dated 19th July, 2019 in Writ Petition Nos. 8822 of 2019, 8823 of 2019 and 8824 of 2019.

6. Considering all these validities issued, we pass the following order :-

ORDER

- (i) The impugned order is quashed and set aside.
- (ii) The Committee shall issue validity certificate of Mannervarlu Scheduled Tribe to the petitioner immediately.
- (iii) The said validity certificate shall be subject to the decision that would be taken by the Committee in cases of the validity holders whose proceedings are reopened and relied by the petitioners.
- (iv) Writ petition is disposed of. No costs.

(R.G. AVACHAT, J.)

(S.V. GANGAPURWALA, J.)

SSD