

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

WRIT PETITION NO. 7747 OF 2020

Vaishnavi Govind Pachrande

..Petitioner

Vs.

The State of Maharashtra and Others

..Respondents

Mr. Pratap V. Jadhavar, Advocate for the Petitioner.

Mr. S.N. Kendre, AGP for Respondent Nos. 1 and 2.

Mr. M.D. Narwadkar, Advocate for Respondent No.3.

**CORAM : S.V. GANGAPURWALA AND
B.U. DEBADWAR, JJ.
(VACATION COURT)**

DATE : 17th NOVEMBER, 2020

PER COURT:

1. The caste claim of the petitioner as belonging to 'Mannervarlu Scheduled Tribe' is invalidated.

2. Mr. Jadhavar, the learned counsel for the petitioner submits that the father of the petitioner is issued with the validity certificate of Mannervarlu Scheduled Tribe. Before issuing validity to the father of the petitioner, vigilance was conducted by the Committee and thereafter the validity is issued. The paternal cousin uncle of the petitioner namely Nagnath Sambhaji Pachrande is also issued with the validity certificate of Mannervarlu Scheduled Tribe after conducting vigilance. The learned counsel submits that the school record of the father of the petitioner

and all the paternal relatives consistently records the Tribe as Mannervarlu. According to the learned counsel, the entry in the school record of cousin grandfather of the petitioner Sambha was also considered while issuing validity to the paternal cousin uncle of the petitioner Nagnath.

3. The learned counsel further submits that Datta Jayawanta Pokle and Hulla Irba Pokle are not related to the petitioner. The reliance on the school record of these persons is misplaced. The learned counsel further submits that the affinity test is not the litmus test. Reliance is placed on the judgment of the Apex Court in the case of “**Anand Vs. Committee for Scrutiny and Verification of Tribe Claims**” reported in **(2012) 1 SCC 113**”.

4. The learned AGP strenuously contends that Sambha Jalba is the cousin grandfather of the petitioner and his school record of the year 1960 records Tribe as Mannurvar. There are some other relatives in whose revenue record, the Tribe records as Mannurvar. The petitioner has failed in the affinity test. The show cause notices are issued to the father of the petitioner and the paternal cousin of the petitioner who are issued with the validity certificates.

5. We have considered the submissions canvassed by the learned counsel for the respective parties. We have also gone through the judgment of the Committee and the record.

6. It is not disputed that father of the petitioner namely Govind Venkatrao Pachrande is issued with the validity certificate of Mannervarlu Scheduled Tribe. The paternal cousin uncle of the petitioner namely Nagnath is also issued with the validity certificate of Mannervarlu Scheduled Tribe. Before issuing validity certificate to these persons, vigilance is conducted. The contra entry of Sambha Jalba recording caste as Mannurvar was considered while issuing validity certificate to the paternal cousin uncle of the petitioner namely Nagnath. The school record of the petitioner, the petitioner's father, the petitioner's uncle and grandfather namely Venkatrao record Tribe as Mannervarlu.

7. Considering the above, we pass the following order:

ORDER

- I) The impugned judgment is quashed and set aside.
- II) The committee shall issue validity certificate to the petitioner of Mannervarlu Scheduled Tribe immediately.
- III) The said validity certificate would be subject to the

decision that would be taken by the Committee, in the proceedings reopened of the validity holders relied by the petitioner.

IV) Writ petition is accordingly disposed of. No costs.

[B.U. DEBADWAR, J.]

[S.V. GANGAPURWALA, J.]