

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

WRIT PETITION NO. 7783 OF 2020

Tejas Madhav Lakmod .. Petitioner
Versus
The State of Maharashtra and others .. Respondents

**WITH
WRIT PETITION NO. 7776 OF 2020**

Avinash Ramrao Lakhmod .. Petitioner
Versus
The State of Maharashtra and others .. Respondents

Shri Chandrakant R. Thorat, Advocate for the Petitioner in both matters.
Shri P. K. Lakhotiya, A.G.P. for Respondent Nos. 1 and 3 in both matters.
Shri M. D. Narwadkar, Advocate for the Respondent No. 2 in both matters.
Shri T. M. Venjane, Advocate for the Intervenors.

**CORAM : S. V. GANGAPURWALA AND
SHRIKANT D. KULKARNI, JJ.
DATE : 09TH DECEMBER, 2020.**

FINAL ORDER :

. The tribe claims of the petitioners as belonging to 'Mannervarlu' (Scheduled Tribe) are invalidated.

2. Mr. Thorat, the learned advocate for petitioners submits that, the father of the petitioner Avinash is issued with the validity certificate of Mannervarlu. The real uncle of the petitioners namely Laxman is issued with the validity certificate

of Mannervarlu. The paternal uncle of the petitioners namely Nagesh is also issued with the validity certificate under the orders of this Court in Writ Petition No. 1940 of 1990 under judgment dated 06th March, 1991. The learned advocate further submits that, there is another paternal cousin of the petitioners who is issued with validity certificate namely Sainath. The learned advocate submits that, the contra entries relied by the respondent/Committee were also subject matter of consideration while issuing validity certificate to Laxman S/o Keshav. It is not that, contra entries are suppressed by Laxman. The vigilance was conducted. Initially tribe claim of Laxman was invalidated. Laxman filed writ petition before this Court bearing Writ Petition No. 839 of 2007. This Court under order dated 21.08.2007 set aside the judgment of the Committee and remanded the matter back to the Committee with certain observations. The Scrutiny Committee after remand of the matter by this Court issued validity certificate to Laxman. According to the learned counsel, there was no reason to invalidate the tribe claims of the petitioners. Both the petitioners are paternal relatives and their claims are decided by common judgment.

3. Mr. Lakhotiya, the learned Assistant Government Pleader for respondents submits that, the contra evidence on record of the paternal cousins of the petitioners exist. In the case of Laxman the matter was remanded by this Court to verify the relations of Laxman with Mangesh and upon verification of

relationship, the relationship as claimed by Laxman with Nagesh was found to be correct and hence the validity certificate was issued. The father of the petitioner Avinash is issued with validity certificate on the basis of validity issued to Laxman. The learned A. G P. further submits that, Sainath another validity holder in the family of the petitioners and relied by the petitioners executed sale deed in favour of his brother, wherein he has mentioned that he is non tribal. All these facts are considered by the Committee and rightly rejected the claims of the petitioners.

4. Mr. Venjane, the learned advocate for intervener supports the arguments of the learned A. G. P. and further submits that, the petitioners could not prove the affinity test also.

5. We have also considered the submissions canvassed by the learned counsel for respective parties.

6. The relationship of both the petitioners with each others being paternal cousins is not disputed.

7. It is matter of record that, the father of the petitioner Avinash is issued with the validity certificate of Mannervarlu (S.T.) The real uncle of the petitioner Avinash namely Laxman is also issued with the validity certificate of Mannervarlu (S.T.). The paternal relative of these petitioners namely Nagesh is issued with the validity certificate under orders of this Court in Writ Petition No. 1940 of 1990 dated 06th March, 1991. We

specifically asked the learned A. G. P. whether the relationship of both these petitioners with Nagesh is disputed. The learned A. G. P. fairly submits that, the present petitioners are paternal relatives of Nagesh.

8. In view of the validities issued in favour of petitioner's father, uncle of one of the petitioner and both the petitioners being paternal relatives of each others and fact that, paternal uncle namely Nagesh is issued with validity under the orders of this Court and further that show cause notice is issued, we pass the following order.

9. The impugned judgment passed by the Committed is quashed and set aside. The Committee shall issue validity certificates to the petitioners of Mannervalu (Scheduled Tribe) immediately. The validity certificates issued to the petitioners would be subject to the decision that would be taken by the Committee in the case of validity holders whose proceedings are reopened and relied by the petitioners.

10. In view of the above, the writ petition is disposed of. No costs.

[SHRIKANT D. KULKARNI, J.] [S. V. GANGAPURWALA, J.]