

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

WRIT PETITION NO. 7777 OF 2020

**GANESH GANGADHAR HINGANE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr. Madhur A. Golegaonkar, Advocate for the petitioner,
Mr. K. N. Lokhande, AGP for the respondents/State.

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

DATE : 16th December, 2020

ORDER:

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

2. We have heard learned counsel for the petitioner and learned A.G.P.

3. It is submitted that caste claim of the real sister of the petitioner Kum. Sakshi d/o Gangadhar Hingane was also invalidated. She filed writ petition No. 9356 of 2019 at the principal seat at Bombay. The Division Bench, under judgment and order dated 26th August, 2019, allowed the said writ petition and granted conditional validity. Relevant part of the judgment in case of Kum Sakshi Gangadhar Hingane (Writ Petition No.9356/2019) reads thus:

"6. The learned Government Pleader submits that since some interpolation is noticed in the school record of Petitioner's father Gangadhar Gangaram Hingne, the Committee has issued show cause notice to him. We find that the Committee has not recorded the specific findings as regard possibility of some interpolation. Be that as it

may, we have noticed that the Petitioner's father Gangadhar Gangaram Hingne has already been granted caste validity certificate. The thus in our considered view, the reason assigned by the committee for rejection of the Petitioner's claim cannot be sustained as it runs contrary to the view taken by the Division Bench of this Court in the case of Apoorva Vinay Nichale (supra).

7. In the circumstances, in the light of the law laid down by the judgments in Apoorva Nichale, Anand Vs. Committee and Raju Ramsing Vasave (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 father Gangadhar Gangaram Hingne by the Committee as the caste validity certificate issued is found to be based on interpolation/adverse entries."

4. In light of above, we follow the same course.
5. The Committee shall issue Mannervarlu Scheduled Tribe validity certificate to the petitioner forthwith. The said validity certificate shall be subject to the decision that would be taken by the Committee in case of validity holders relied by the petitioner.
6. Writ petition disposed of. No costs.

(SHRIKANT D. KULKARNI, J.)

(S. V. GANGAPURWALA, J.)

JPC