

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

81 WRIT PETITION NO.8867 OF 2019

SANKET HAUSAJI MARAKWAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr.Chandrakant R.Thorat
AGP for Respondents no.1 & 3 -State : Mrs.M.A.Deshpande
Advocate for Respondent No.2 : Mr.Pratap G.Rodge
...

**CORAM : SUNIL P. DESHMUKH &
M.G.SEWLIKAR, JJ.**

DATE: 3rd November, 2020

PER COURT:-

1. The petition has been moved on behalf of petitioner claiming that exigency has arisen since counseling for admission to post graduate course after B.V.Sc. would commence soon and in the same, the petitioner would not be able to participate unless validity certificate is issued.

2. Mr.C.R.Thorat, learned counsel for the petitioner submits that the claims of the petitioner and that of his real brother Tejas had been decided by scrutiny committee under a common order dated 15-07-2019.

3. He submits that two petitions were required to be filed, one by Tejas bearing Writ Petition No.8866 of 2019 and the other present Writ Petition by present petitioner. He points out order dated 01-08-2019 in Writ Petition No.8866 of 2019, in the case of petitioner's real brother Tejas Hausaji Marakwad. Learned counsel submits that pursuant to said order, Tejas has been issued with validity certificate, subject to decision in re-opened case of his father. He submits that rationale underlying said order applies to present petitioner as well.

4. Perusal of order dated 01-08-2019 in Writ Petition No.8866 of 2019 reveals that submissions on behalf of the petitioner as well as respondents i.e. learned AGP have been noted and it had been considered that it is not disputed that father of the petitioner has been issued with validity certificate of the *Mannervarlu*, Scheduled Tribe. Validity certificates issued to the persons referred to by the petitioner have also not been disputed. The relationship has not been disputed. It had been particularly noted that the record produced did not have any contrary entry. It has further been referred to that committee had observed that contrary entries are claimed to be in respect of *Bhavakies*, however, relationship of petitioner with them has not been established and considering the same, the Division

Bench had been pleased to direct to issue validity certificate to petitioner in that petition of *Mannervarlu*, Scheduled Tribe, subject to decision of the committee in re-opened proceedings of validity holders relied upon by the petitioner and in case, validity certificates issued to said persons are cancelled, then the petitioner would not be entitled to claim any equity.

5. Mrs.M.A.Deshpande, learned AGP purports to refer that proper genealogy had not been disclosed by the petitioner's father and that his case has been re-opened. In the present case, looking at the rationale, which had weighed with the Court earlier, we consider that it would expedient to follow the same course as had been adopted by the Division Bench in its order dated 01-08-2019 in Writ Petition No.8866 of 2019 and hence, the following order:

ORDER

I) Impugned order dated 15-07-2019, passed by respondent No.3, is quashed and set aside.

II) The committee shall issue validity certificate to the petitioner of *Mannervarlu*, Scheduled Tribe. The same would be subject to decision that would be taken by the committee in the proceedings that are reopened of the validity holders,

relied by the petitioner. In case, validity certificates issued to the validity holders relied on by the petitioner are cancelled, then the petitioner would not be entitled to claim any equity. Present order would be limited to the extent of the petitioner.

III) Writ Petition, accordingly, is disposed of.

(M.G.SEWLIKAR)
JUDGE

(SUNIL P. DESHMUKH)
JUDGE

SPT