

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

**WRIT PETITION NO. 7838 OF 2020
WITH
CIVIL APPLICATION NO.7986 OF 2020**

Shruti D/o Hanmanlu Ghantaji ... Petitioner.

Versus

The State of Maharashtra
and others ... Respondents.

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Mr. S.M. Vibhute, Advocate for the Petitioner.
Mr. A.R. Kale, A.G.P. for Respondent Nos.1 and 2.
Mr. M.D. Narwadkar, Advocate for Respondent No.3.
Mr. T.M.Venjaney, Advocate for the Applicant.

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

DATE : 04th DECEMBER, 2020

PER COURT:-

1. Heard Mr. Vibhute, the learned counsel for the petitioner, Mr. A. R. Kale, learned AGP for Respondents / State and Mr. Vyanjane, the learned Advocate for the applicant - intervenor.
2. The petitioner assails the order of the committee invalidating the tribe claim of the petitioner of 'Mannervarlu' Scheduled Tribe. Mr.

Vibhute, the learned Advocate for the petitioner has taken us through the various entries, the vigilance report and the documents and submits that 'Mannervar' is not a caste at all. So there cannot be the entry of the 'Mannervar' in the caste column of the school record so as to insert the word 'lu' ahead of 'Mannervar'. The learned counsel submits that his caste is recognized as 'Munnervar' or 'Munnervad'. The finding of the committee that in the school record of the father of the petitioner or the other relatives, the word 'lu' has been added subsequently is erroneous. In the oldest record of the grandfather of the petitioner namely; Sayanna Ramanna in his school record of the year 1951, his caste is clearly recorded as 'Mannervarlu'. No overwriting appears in the said original entry. The vigilance has also not found any overwriting on the same. The same caste is recorded in the school entry of the petitioner.

3. According to the learned AGP, the committee has considered that the entry of the grandfather of the petitioner Sayanna Ramanna is suspicious. The same appears to be inserted subsequently. Two names appeared at one serial number. It shows that it is inserted subsequently and all entries in the register appears to be in same handwriting and same ink. The committee has considered the said aspect.

4. We have considered the submissions. The matter pertains to the social status of the petitioner, naturally the committee is required to consider each entry of the caste relied by the petitioner with great care and circumspection. The school entry of the caste 'Mannervarlu' in the school record of the grandfather of the petitioner of the year 1951 would play a major role. If the school entry of the caste recorded as 'Mannervarlu' of grandfather of the petitioner is genuine, then the petitioner would have a better case and if the said entry is not found genuine, then certainly the petitioner would have a weak case.

5. The committee is expected to consider the entire register wherein the entry of grandfather of the petitioner appear and all the registers of the year prior and after the period of said entry so as to see the manner of the entries registered in the register of the students. The register in which the name of the grandfather appears in the school record ought to have been considered by the committee in its entirety before forming the opinion.

6. For the aforesaid reasons, we are inclined to remit back the matter to the committee for conducting the detail enquiry as referred above.

7. In the light of that, the impugned judgment and order is quashed and set aside. The matter is remitted to the committee. The committee shall consider the fact that the petitioner is exploring possibility of taking admission in the professional course as such the committee may endeavour to decide the validation proceeding in the light of the observations made above, preferably within ten (10) days.

8. Writ Petition is disposed of. No costs.

9. In view of disposal of the writ petition, the civil application is also disposed of.

(SHRIKANT D. KULKARNI)
JUDGE

(S.V. GANGAPURWALA)
JUDGE

S.P. Rane