

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

WRIT PETITION NO. 7887 OF 2020

Ku. Suprita D/o Subhash Kaletwar
and others

... Petitioners.

Versus

The State of Maharashtra
and others

... Respondents.

....

Mr. S. M. Vibhute Advocate h/f Mr. O.B. Boinwad, Advocate for the
Petitioners.

Mr. K.N. Lokhande, Advocate for Respondent Nos. 1 and 2.

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

....

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

DATE : 04th DECEMBER, 2020

PER COURT:-

1. The caste claim of the petitioners as belonging to 'Mannervarlu' is invalidated by the Committee. The learned counsel for the petitioners submits that the father of the petitioner No.3 and the real uncle of petitioner Nos. 1 and 2 namely; Shankar Kaletwar is given validity of 'Mannerwarlu' Scheduled Tribe. The real uncle of the petitioner nos. 1 and 2 namely; Ganpat Kaletwar is also issued with the validity of 'Mannervarlu' Scheduled Tribe. So also, the cousin grandfather namely Maroti Degloorkar and cousin uncle of the

petitioners namely; Ramesh Hanmanlu are issued with the validity certificate of 'Mannervarlu' Scheduled Tribe. According to the learned counsel for the petitioner, there are other family members issued with the validity certificates. The vigilance was conducted in case of Maroti Kaletwar and Ganpat Kaletwar. The learned counsel submits that the committee has relied upon the record of persons unrelated to the petitioners. Show cause notices are issued to the persons whose validity certificate the petitioner relies.

2. The learned AGP submits that the in the school record of the relatives of the petitioner contra entries of 'Manner' and 'Munnervad' are found and the same has been considered by the committee. The committee has also considered that the petitioners have failed to prove affinity test. The entry of caste in the school record of the Maroti is found to be interpolated. The word 'lu' has been added subsequently. The same is the position in respect of school record of the cousin grandfather of the petitioners and of Subhash.

3. We have considered the submissions, the relationship of the petitioners and the validity holders relied by the petitioners are not disputed. The validity is granted to the Maroti and Ganpat after conducting the vigilance. Many entries relied by the petitioners, in the order appears to have considered at the time of issuance of validity

certificate to the relatives of the petitioners as referred to above. The show cause notices are also issued. The affinity is not a litmus test as held by the Hon'ble Apex Court in case of *Anand Vs. Committe for Scrutiny and Verification of Tribe claims and others* reported in *(2012) 1 SCC 113*.

4. In the light of the above, we pass the following order.

5. The impugned order is quashed and set aside. The committee shall issue validity to the petitioners of 'Mannervarlu' Scheduled Tribe.

6. The said validity certificate would be subject to decision that would be taken by the committee in the proceedings reopened of the validity holders relied by the petitioners.

7. Writ Petition is disposed of. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S.V. GANGAPURWALA)
JUDGE

S.P. Rane