

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8121 OF 2020

Shardha d/o Sanjay Govindwar

...Petitioner

Versus

The State of Maharashtra and Ors.

...Respondents

Mr C.R. Thorat, Advocate for Petitioner

Mr S.P. Tiwari, A.G.P. for Respondent Nos. 1 and 3

Mr M.D. Narwadkar, Advocate for Respondent No. 2

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

DATE : 16th DECEMBER, 2020

PER COURT :

1. The caste claim of the petitioner as 'Mannervarlu' Scheduled Tribe is invalidated.

2. Mr Thorat, the learned Counsel submits that the father of the petitioner namely, Sanjay S/o Vyankatrao Govindwar is issued with the validity certificate as 'Mannervarlu' Scheduled Tribe. The learned Counsel submits that the Committee while discarding the case of the petitioner has relied upon the school entry of Hanmant S/o Erranna Govindwar, cousin grand father of the petitioner. The grand daughter of Hanmant S/o Erranna Govindwar, namely, Preeti d/o Ramesh Govindwar is also issued with the validity certificate under the orders of this Court at Principal Seat. The learned Counsel submits that another grand daughter of the cousin grand father of the petitioner namely, Vaishnavi d/o Vyankatrao Govindwar is

also issued with the validity certificate under the orders of this Court at Principal Seat. So also, another paternal relative of the petitioner namely, Santosh S/o Vitthal Govindwar is issued with the validity certificate under the orders of this Court at Principal Seat.

3. The learned Assistant Government Pleader submits that the father has been issued validity certificate on the basis of interpolated entries. The petitioner has not proved the affinity test. The service entries could not establish.

4. The Committee has referred to Hanmant S/o Eranna Govindwar as the cousin grand father of the petitioner and the school entry has been relied upon to show that the same is contra entry.

5. Preeti d/o Ramesh Govindwar is the grand daughter of Hanmant and daughter of Ramesh S/o Hanmant Govindwar. Her caste claim as 'Mannervarlu' Scheduled Tribe was also invalidated. The Principal Seat at Bombay in Writ Petition No. 7543 of 2018 under Judgment and order dated 24th July, 2018 allowed the writ petition and directed to grant conditional validity certificate to her. The Division Bench in the said case observed as under :-

“7. In the circumstances, in the light of the judgment in the case of law laid down in the cases of **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 petitioner's **father Ramesh, real paternal uncles**

Laxman and Iranna by the Committee as the caste validity certificate issued to Petitioner's **father Ramesh, real paternal uncles Laxman and Iranna** is found to be based on some suppression of material facts and documents."

6. In light of the above, we follow the same course.

ORDER

- (i) The impugned judgment is quashed and set aside.
 - (ii) The Committee is directed to issue validity certificate of 'Mannervarlu', Scheduled Tribe to the petitioner immediately.
 - (iii) The said tribe certificate shall be subject to the decision that would be taken by the Committee in the proceedings re-opened of the validity holders relied by the petitioner.
7. The writ petition is disposed of. No costs.

[SHRIKANT D. KULKARNI, J.]

[S.V. GANGAPURWALA, J.]

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