

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

WRIT PETITION NO. 8215 OF 2020

Abhijit Balaji Pogulwad

... Petitioner

Versus

Director of Medical Education & Research,
CET Cell and others

... Respondents

....

Mr. S. S. Phatale, Advocate for petitioner

Mr. S. P. Tiwari, AGP for the State

Mr. S. G. Karlekar, Advocate for respondent No.3

....

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

DATED : 15th DECEMBER, 2020

PER COURT :-

1. The caste claim of the petitioner belonging to 'Mannervarlu' Scheduled Tribe is invalidated.
2. Learned counsel for the petitioner submits that the father of the petitioner, namely, Balaji is issued with the validity certificate of 'Mannervarlu' Scheduled Tribe. The real uncle of the petitioner Vitthal is also issued the validity certificate of 'Mannervarlu' Scheduled Tribe. The children of the real uncle of the petitioner Vitthal, i.e. Dwarka and Laxmikant, are issued with the

validity certificate of 'Mannervarlu' Scheduled Tribe. One Govind son of another real uncle of petitioner is issued the validity certificate of 'Mannervarlu' Scheduled Tribe. The vigilance was conducted and that the validity was issued to the uncle of the petitioner. These entries of caste relied by the Committee in the present matter were subject of consideration while issuing the validity certificate to the uncle of the petitioner and other validity holders.

3. The learned AGP submits that some of the entries appeared to be interpolated. The committee has examined the same. Many of the entries appeared as 'Manervarlu', 'Manurvarlu', which are not of the tribe.

4. We have considered the judgment delivered by the Committee. It is matter of record that father of the petitioner, real uncle of the petitioner Vitthal and sons and daughters of the real uncles of the petitioner, namely, Dwarka, Laxmikant, Govind, all these persons are issued with the validity certificate of 'Mannervarlu' Scheduled Tribe. The vigilance was also conducted and many of these entries were also on record in those cases. The reliance is placed by the petitioner on the judgment of this Court in the case of

Apporva Nichale Vs. Divisional Caste Certificate Scrutiny Committee
reported in ***2010(6) Mh.L.J. 401.***

5. The show cause notice is issued to the validity holders.
6. The impugned order is quashed and set aside. The Committee shall issue validity certificate to the petitioner of 'Mannervarlu' Scheduled Tribe, immediately. The validity certificate shall be subject to the decision of the Committee in the proceedings reopened of the validity holders relied by the petitioner.
7. The writ petition is disposed of. No costs.

[SHRIKANT D. KULKARNI]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

SMS