

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

WRIT PETITION NO. 8270 OF 2020

Rushikesh s/o Shivaji Admulwad

.. Petitioner

Versus

The State of Maharashtra and ors.

..Respondents

Mr M.A. Golegaonkar, Advocate for petitioner

Mr K.N. Lokhande, A.G.P. for respondent

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

**DATE : 16<sup>th</sup> December 2020**

**PER COURT :**

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

2. Mr Golegaonkar, learned Advocate for the petitioner submits that father of the petitioner Shivaji, the real uncle of the petitioner Sayaji, so also real cousin of the petitioner Santosh, the daughter of the real uncle of the petitioner namely Kaushalya, so also, the real paternal aunt of the petitioner Smt. Muktabai are issued with the validity certificate of Mannervarlu - Scheduled Tribe. The learned Counsel further submits that another real uncle of the petitioner Sambhaji is issued with the validity certificate of the Mannervarlu - Scheduled Tribe. The learned Counsel further submits that while validity was issued to Santosh, detail vigilance was conducted and validities of paternal aunt, Chandrakala, Sayaji, Shivaji were all considered by the Vigilance committee and thereafter validity was issued. The Committee in their cases also came to the conclusion that the relatives of the father have proved their affinity also.

3. Learned A.G.P. for the State submits that in case of the relatives of the father on whose validity the petitioner relies, the vigilance was not properly conducted. The interpolation were not brought to the notice of the Committee

and such validities were issued. Show cause notices were given to those persons.

4. It is a matter of record that the father of the petitioner Shivaji is issued with the validity certificate of Mannervarlu - Scheduled Tribe. Real uncle of the petitioner Sayaji and Sambhaji are issued with the validity certificates of Mannervarlu - Scheduled Tribe. Real paternal aunt of the petitioner Smt. Muktabai is issued with the validity certificate of Mannervarlu - Scheduled Tribe. Santosh and Kaushalya the son and daughter of the real uncle Sayaji are also issued with the validity certificates of the Mannervarlu - Scheduled Tribe, The vigilance was conducted. Some of the vigilance reports are placed on record. In vigilance in case of Santosh son of Sayaji, the school entries of Chandrakala, Sayaji and Shivaji were also subject matter of consideration. The petitioner relies on the judgment in case of **Apporva Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1 Nagpur**, reported in **2010 (6) Mh. L.J. 401** to submit that when near relatives are granted validity, the same would be relevant for granting validity proceeding of the petitioner.

5. In view of above, the impugned judgment is quashed and set aside. The Committee shall issue validity certificate to the petitioner of the Mannervarlu - Scheduled Caste immediately.

6. The said validity certificate would 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. Writ Petition disposed of. No costs.

( SHRIKANT D. KULKARNI, J.)

( S.V. GANGAPURWALA, J.)