

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

**WRIT PETITION NO. 8200 OF 2020
WITH
CIVIL APPLICATION (STAMP) NO. 24482 OF 2020**

Vishakha Tanaji Marakwad .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Mr. Chandrakant R. Thorat, Advocate for the Petitioner.
Mr. K. B. Jadhavar, AGP for Respondent Nos. 1 and 3.
Mr. M. D. Narwadkar, Advocate for Respondent No. 2.
Mr. T. M. Venjane, Advocate for Intervener.

**WITH
WRIT PETITION NO. 8227 OF 2020**

Shrikant Tanaji Marakwad .. Petitioner

Versus

The State of Maharashtra and another .. Respondents

Mr. Chandrakant R. Thorat, Advocate for the Petitioner.
Mr. K. B. Jadhavar, AGP for Respondent Nos. 1 and 2.

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

DATED : 15th DECEMBER, 2020.

PER COURT:-

. The tribe claims of the petitioners as belonging to “Mannervarlu”
(Scheduled Tribe) are invalidated.

2. The learned counsel for the petitioners submits that the paternal relatives of the petitioners namely Manoj S/o Balaji, Mayur S/o Balaji and Shweta D/o Shivaji are issued with the validity certificates under the orders of this Court. The learned counsel for the petitioners further submits that the relationship of the petitioners with these persons is not disputed by the committee. Even vigilance has found the relationship to be existing.

3. According to the learned Assistant Government Pleader the committee has rightly considered all the aspects of the matter and rightly negated the request of the petitioners for issuance of validity certificate. There is contra evidence on record. In case of earlier validities holders, the relevant entries were suppressed and validities were granted. The genealogy was also not properly shown.

4. We have considered the submissions canvassed by the learned counsel for the respective parties.

5. From the impugned judgment it appears that the committee has accepted the relationship of the petitioners with Manoj S/o Balaji and Mayur S/o Balaji. The committee had invalidated the tribe claim of Manoj S/o Balaji and Mayur S/o Balaji, so also one Shweta D/o Shivaji. They had assailed the same before this Court and in case of Manoj the

Division Bench of this Court at its Principal Seat at Bombay allowed the writ petition and direct the committee to issue conditional validity certificate. Same was the case of others and on similar terms the validity was directed to be issued to Mayur and Shweta under different orders.

6. In case of Manoj the Division Bench of this Court at Principal Seat at Bombay under its order dated July 23, 2018 observed thus :

“Be that as it may, we have noticed that the **Petitioner’s** real sisters have already been granted caste validity certificate. Thus in our considered view, the reason assigned by the Committee for rejection of the Petitioner’s claim cannot be sustained as it runs contrary to the view taken by the Division Bench of this Court in the case of **Apoorva Vinay Nichale** (supra).

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 entitle 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 real sisters **of the Petitioner** by the Committee as the caste validity certificate issued to the Sopan Tukaram is found to be based on interpolation/adverse entries.

8. In view of above, the Committee is directed to issue Tribe validity certificate to the Petitioner forthwith. As the Committee has already initiated proceeding for cancellation of validity issue to the blood relations of the petitioner, in response to the Courts

query, it is assured by the Committee that the Committee will conclude those proceeding within a period of three months from the date of receipt of copy of this order. If the proceeding for cancellation of caste validity holders are answered against such certificate holders, it shall be open for the Respondent Committee to issue show cause notice to the petitioner as to why the validity certificate granted to petitioner should not be cancelled and it will be open for the Committee to take those proceeding to its logical end. Needless to say that the certificate issued to the Petitioner is subject to the outcome of the proceeding for cancellation of validity issue in favour of his blood relations.

9. With the aforesaid observation, the Petition is allowed to the extent indicated above.”

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

8. The impugned judgment is quashed and set aside. The committee shall issue validity certificate to the petitioners of “Mannervarlu” (Scheduled Tribe). The said validity certificate shall be subject to the decision of the committee in the proceedings re-opened of the validity holder relied by the petitioner.

9. Writ petitions are disposed of. No costs.

10. In view of the disposal of the writ petitions, civil application also stands disposed of.

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

PS.B.