

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

**WRIT PETITION NO. 8206 OF 2020**

Suraj S/o Devidas Gudalod ... Petitioner.

Versus

The State of Maharashtra  
and others ... Respondents.

....

Mr. S.M. Vibhute, Advocate for the Petitioner.  
Mr. S.P. Tiwari, A.G.P. for Respondent No. 2.  
Mr. M.D. Nareadkar, Advocate for Respondent No.3.

....

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

**DATE : 14<sup>th</sup> DECEMBER, 2020**

**PER COURT:-**

1. The caste claim of the petitioner as 'Mannervarlu' Scheduled Tribe is invalidated.
2. Mr. Vibhute, the learned counsel for the petitioner submits that the real sister of the petitioner namely Apurva D/o. Dividas Gudalod is issued with the validity certificate of 'Mannervarlu' Scheduled Tribe under order of this Court at the principal seat dated 23.07.2018 in Writ Petition No.7497 of 2018, still the committee has invalidated the tribe claim of the petitioner.

3. The learned A.G.P. submits that the contra entries appearing in the school record of the relatives of the petitioner were suppressed in the earlier proceeding of the real sister of the petitioner. The petitioner has failed to prove the affinity test. The earlier validity certificate is obtained by fraud.

4. We have considered the submissions.

5. The real sister of the petitioner Apurva D/o Dvidas Gudalod had applied for grant of validity certificate before the Scrutiny Committee. The Scrutiny Committee dismissed the proposal of Apurva for grant of validity certificate. The said Apurva filed a writ petition before the principal seat at Bombay bearing writ petition No.7497 of 2018. The Division Bench at Bombay allowed the said writ petition and pass the following order:

“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 father, cousin grand father and cousin uncle of the Petitioner by

the Committee as the caste validity certificate issued to the uncle cousin grandfather of the Petitioner 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 her blood relations.

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

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

7. The Committee is directed to issue Tribe validity certificate to the Petitioner forthwith. Needless to say that the certificate issued to the Petitioner is subject to the outcome of the proceeding for cancellation of validity issued in favour of her blood relations.

8. The Writ Petition is disposed of. No costs.

**( SHRIKANT D. KULKARNI )**  
**JUDGE**

**( S.V. GANGAPURWALA )**  
**JUDGE**

S.P. Rane