

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

WRIT PETITION NO. 8191 OF 2020

Rajrajeshwari Rajeshwar Muddamwar .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Pratap V. Jadhavar, Advocate for the Petitioner.
Shri S. P. Tiwari, A.G.P. for Respondent Nos. 1 and 2.
Shri S. G. Karlekar, Advocate for the Respondent No. 3.

**CORAM : S. V. GANGAPURWALA AND
SHRIKANT D. KULKARNI, JJ.
DATE : 17TH DECEMBER, 2020.**

FINAL ORDER :

. The tribe claim of the petitioner as belonging to “Mannervarlu” (Scheduled Tribe) is invalidated.

2. Mr. Jadhavar, the learned advocate for the petitioner submits that, the validity is issued in favour of the paternal cousin of the petitioner namely Anilkumar. The son of Anilkumar namely Prajwal is issued with validity certificate under the orders of the Division Bench of this Court at its Principal Seat at Bombay in Writ Petition No. 9065 of 2018 under judgment dated 16th July, 2018. The learned advocate further submits that, the contra entries which the Committee has considered to invalidate the claim of the petitioner were subject matter of consideration while granting validity to Anilkumar and Prajwal and said

contra entries were considered by the Committee and this Court while granting validity to Anilkumar and Prajwal respectively.

3. Mr. Tiwari, the learned Assistant Government Pleader for respondents/State submits that, invalidation of one Sadanand Laxmanrao, paternal cousin of the petitioner is suppressed by these persons while obtaining validity. These facts are also suppressed from this Court in the case of Prajwal. There are numerous contra entries on record. The petitioner has also failed in the affinity test.

4. The relationship of the petitioner with Prajwal is not disputed. He is paternal cousin of the petitioner. Prajwal is issued with the conditional validity by the Division Bench of this Court at its Principal Seat at Bombay in Writ Petition No. 9065 of 2018 under judgment dated 16th July 2018. This Court considered the contra entries and directed to issue conditional validity.

5. In the light of the above, we follow the same course and pass following order.

6. The impugned judgment is quashed and set aside. The Committee shall issue validity certificate to the petitioner as belonging to 'Mannervarlu' (Scheduled Tribe) immediately. The said validity certificate shall be subject to the decision that would be taken by the committee in the proceeding reopened of the

validity holders relied by the petitioner.

7. In the light of the above, the writ petition is disposed of.
No costs.

[SHRIKANT D. KULKARNI, J.] [S. V. GANGAPURWALA, J.]

bsb/Dec. 20