

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

WRIT PETITION NO. 8271 OF 2020

SUMEDHA LOBHAJI SUKRE THROUGH FATHER AND
NATURAL GUARDIAN LOBHAJI SAMBHAJI SUKRE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

Mr. Sunil M. Vibhute, Advocate for the petitioner,
Mr. A. B. Chate, A.G.P. for the respondents/State.

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

DATE : 16th December, 2020

ORDER:

1. Caste claim of the petitioner as Mannervarlu Scheduled Tribe is negatived. Mr. Vibhute, the learned counsel for the petitioner submits that father of the petitioner, sons of real uncle of the petitioner, Sandeep Khanduji Sukre, Maloji Khanduji Sukre and Pradeep Khanduji Sukre are issued with validity certificates of Mannervarlu Scheduled Tribe. Vigilance was also conducted when Lobhaji, father of the petitioner was granted validity. All the contra entries were subject matter of consideration before the Committee at the time of granting validity to Lobhaji. The learned counsel relies on the judgment of the Apex Court in the case of **Apoorva D/o. Vinay Nichale V/s. Divisional Caste Scrutiny Committee No.1 & Ors.** reported in **2010-6-MLJ-401**.

2. Mr. Patil, the learned Additional G.P. submits that validity was granted to Lobhaji on the basis of validity granted to Maloji and as such, the committee ignored the contra evidence on record. The said validity would not enure to the benefit of the petitioner. According to the learned Addl. G.P., the petitioner failed in the affinity test also. There are many

contra evidence on record and the same are considered by the Committee.

3. We have considered the submissions .

4. All the documents which the committee claimed to be contra entries were subject matter before the committee while granting validity to the father of the petitioner Lobhaji. Initially the committee rejected the caste claim of Lobhaji. The said Lobhaji filed petition before this Court bearing writ petition No. 2773/2005. This Court, under judgment and order dated 4th July, 2008, allowed the writ petition filed by Lobhaji Sukre and remanded the matter back to the committee for reconsideration. Upon remand of the matter, the committee granted validity to the petitioner's father. All these contra entries were also before this Court in Writ Petition No. 2773 of 2005.

5. It is submitted that show cause notices are issued to the validity holders relied by the petitioner.

6. In light of above, we pass following order:

O R D E R

- i. The impugned order is quashed and set aside.
- ii. The committee shall issue validity certificate to the petitioner of Mannervarlu Scheduled Tribe immediately. The said validity certificate shall be subject to the decision that would be taken by the committee the proceedings re-opened of the validly holders relied by the petitioner.
- iii. Writ petition disposed of. No costs.

(SHRIKANT D. KULKARNI, J.)

(S. V. GANGAPURWALA, J.)