

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8434 OF 2020

Narendrakumar Venkatrao Mittewad and Anr. ...Petitioners

Versus

The State of Maharashtra and Ors. ...Respondents

Mr P.V. Jadhavar, Advocate for Petitioners
Mr S.N. Kendre, A.G.P. for Respondents-State

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

DATE : 18th DECEMBER, 2020

PER COURT :

1. The caste claim of the petitioners as "Mannervarlu" Scheduled Tribe is invalidated.

2. Mr Jadhavar, the learned Counsel submits that the father of the petitioners namely, Venkatrao is issued with the validity certificate of "Mannervarlu" Scheduled Tribe. The other cousins of the petitioners namely, Balasaheb S/o Hanmantrao, Vitthal S/o Masnaji, Nivrutti S/o Masnaji, Namdev S/o Masnaji, the sons and daughters of Balasaheb S/o Hanmantrao, the sons and daughter of Nagnath, the sons of Namdev, the son of Vitthal are issued with the validity certificate of "Mannervarlu" Scheduled Tribe. The learned Counsel submits that all the entries which the Committee observed

as contra entries were subject matter of consideration when validity was issued to the father of the petitioners. The learned Counsel further submits that the cousin of the petitioners namely, Priti, daughter of Nivrutti is issued with the conditional validity certificate as per order of this Court dated 19.07.2019 in writ petition No. 8815 of 2019. The Committee has nowhere disputed the relationship of the petitioners with these persons.

3. The learned Assistant Government Pleader submits that the petitioners and their father have shown false genealogy. The petitioners and their father are not related to the branch of Masaji and Santuka. It is on the basis of this false genealogy, the father of the petitioners has obtained the validity certificate. The said fact is clear from the file of Priti Nivruttirao. The petitioners have failed in affinity test. The father of the petitioners has obtained validity certificate by playing fraud.

4. We have considered the submissions.

5. Though before this Court, the learned Assistant Government Pleader contended that the branch of the petitioners is not related to the branch of Masnaji and Santuka, the same cannot be culled out from the judgment of the Committee. In fact, some of the contra entries of the branch of Masnaji and Santuka are considered by the Committee as a contra entries to dispute the claim

of the petitioners. The said entries were also subject matter of consideration when the father of the petitioners was granted validity as is contended.

6. The father of the petitioners is issued with the validity certificate after vigilance is conducted. We do not find any conclusive evidence to conclude that Priti, who has been granted conditional validity under the order of this Court, is not at all related to the petitioners, more particularly, when her entries are relied by the Committee in the judgment.

7. In view of the judgment in the case of ***Apoorva d/o Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No. 1 and others*** reported in ***2010 (6) Mh.L.J. 401***, the validity certificate issued to the father of the petitioners and paternal relatives of the petitioners are relevant.

8. It is made clear that we have not given any finding about the relationship as contended.

9. In light of the above, we pass the following order :-

- (i) The impugned order is quashed and set aside.
- (ii) The Committee shall issue validity certificate to the petitioners as "Mannervarlu" Scheduled Tribe.

- ((iii) The said validity certificate shall be subject to the decision that would be taken by the Committee in the proceedings re-opened of the validity holders relied by the petitioners.

10. The writ petition is disposed of. No costs.

[SHRIKANT D. KULKARNI, J.]

[S.V. GANGAPURWALA, J.]

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