

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

WRIT PETITION NO. 1713 OF 2020

Swati Sambhaji Kalewad
Through father
Sambhaji Ramchandra Kalewad .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Mr. Madhur A. Golegaonkar, Advocate for the Petitioner.
Mr. S. K. Tambe, AGP for Respondent Nos. 1 to 3.

**AND
WRIT PETITION NO. 1706 OF 2020**

Sarvesh Baburao Kalewad
Through father
Baburao Mahajan Kalewad .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Mr. Madhur A. Golegaonkar, Advocate for the Petitioner.
Mr. S. K. Tambe, AGP for Respondent Nos. 1 to 3.

**AND
WRIT PETITION NO. 1996 OF 2020**

Satish Shankarrao Kalewad
Through father
Shankar Bhaurao Kalewad .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Mr. Madhur A. Golegaonkar, Advocate for the Petitioner.
Mrs. M. A. Deshpande, Addl. G. P. for Respondent Nos. 1 to 3.

**AND
WRIT PETITION NO. 1986 OF 2020**

Kiran Shankarrao Kalewad
Through father
Shankar Bhaurao Kalewad .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Mr. Madhur A. Golegaonkar, Advocate for the Petitioner.
Mr. S. G. Karlekar, AGP for Respondent Nos. 1 to 3.

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

DATED : 16th OCTOBER, 2020.

PER COURT:-

1. The learned counsel for the petitioners submits that the petitioners in all these matters are paternal cousins. Their parents are real brothers. All these petitioners appeared for NEET examination and are exploring possibility of seeking admission to the professional course. Their tribe claims as 'Mannervarlu' Scheduled Tribe are invalidated.

2. Mr. Golegaonkar, the learned counsel for the petitioners submits that the real brother of the petitioner Swati Sambhaji Kalewad is granted validity under the order of this Court in Writ Petition No. 7623 of 2018, dated 24.07.2018 at its Principal Seat. The learned counsel submits that there are validities granted to nine paternal cousins. According to the learned counsel, the documentary evidence also consistently records the caste as 'Mannervarlu' in all the documents.

The Committee has relied upon the record of persons who are not related to the petitioners.

3. The learned AGP opposes the petition and submits that there are contra evidence on record. The petitioners also failed in the affinity test. The contra evidence were suppressed by the petitioners. The vigilance could find the said contra evidence.

4. As far as the persons, whose contra evidence the committee has relied, the relationship will have to be established of those persons. The claim of the real brother of the petitioner Swati was also invalidated by the committee. The real brother of the petitioner Swati namely Ramchandra assailed the said judgment before this Court at its Principal Seat by Writ Petition No. 7623 of 2018, this Court under order dated 24.07.2018 allowed the said Writ Petition setting aside the judgment of the committee. The Court passed the conditional order to the effect that if the proceedings for cancellation of caste validity holder is against such caste 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 him should not be cancelled and it would be open for the committee to take the proceeding to its logical end. The certificate issued to the petitioner is subject to the outcome of the proceeding of cancellation of the validity issued in favour of her blood relations.

5. Considering the aforesaid judgment delivered by this Court in the case of the real brother of the petitioner Swati, we pass the following order :

ORDER

(i) The impugned order to the extent of the petitioners is quashed and set aside.

(ii) The committee shall issue validity certificate of 'Mannervarlu' Scheduled Tribe to the petitioners immediately. If the proceedings for cancellation of caste validity holder is answered against such caste certificate holders, it shall be open for the respondent-committee to issue show cause notice to the petitioners as to why the validity certificate granted to them should not be cancelled and it will be open for the committee to take the proceeding to its logical end. Needless to say that the certificate issued to the petitioners is subject to the outcome of the proceeding for cancellation of validity issued in favour of their blood relations.

6. The writ petitions are disposed of. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

P.S.B.