

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

WRIT PETITION NO. 1033 OF 2021

Aditya s/o Anil Chatlawar and anr. .. Petitioners

Versus

The State of Maharashtra and ors. .. Respondents

Mr S.M. Vibhute, Advocate for petitioners
Mr S.K. Tambe, A.G.P. for respondent-State

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

DATE : 19th January 2021

PER COURT :

1. The caste claims of the petitioners as 'Mannervarlu' - Scheduled Tribe are invalidated.
2. The learned Counsel for the petitioners submits that the father of the petitioners and two real uncles of the petitioners are issued with the validity certificates of 'Mannervarlu' -Scheduled Tribe. One son and one daughter of real uncle of the petitioners are also issued with the validity certificates of 'Mannervarlu' - Scheduled Tribe.
3. The learned Counsel for the petitioners placed reliance on the judgment of Division Bench of this Court in 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** to submit that the validity granted to the paternal relative is a relevant factor.
4. The learned A.G.P. submits that the petitioner has failed in the affinity test. Show cause notices are issued to the validity holders relied by the petitioners as to why their proceedings should not be re-opened. There are contra entries on record.

5. Learned Counsel for the petitioners submits that before granting the validity to the father of the petitioners, vigilance was conducted and many of the persons referred to in the order are not relatives of the petitioners and their contra entries are relied.

6. It is a matter of record that the father of the petitioners, two real uncles of the petitioners, so also son and daughter of real uncle of the petitioners are issued with the validity certificates of 'Mannervarlu' -Scheduled Tribe. Vigilance was conducted before issuing validity to the father of the petitioners. Show cause notices are issued to the validity holders relied by the petitioners. In light of above, we pass the following order.

7. The impugned judgment and order passed by the Committee is quashed and set aside.

8. The Committee shall issue validity certificates to the petitioners of 'Mannervarlu' - Scheduled Tribe immediately.

9. The said validity certificates would 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. Writ Petition disposed of. No costs.

(SHRIKANT D. KULKARNI, J.)

(S.V. GANGAPURWALA, J.)