

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

WRIT PETITION NO. 1123 OF 2021

Dipali Bhanudas Nilawad and
another .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Shri Sunil M. Vibhute, Advocate for Petitioners.
Shri S. K. Tambe, A.G.P. for Respondent Nos. 1 and 2.

**CORAM : S. V. GANGAPURWALA AND
SHRIKANT D. KULKARNI, JJ.
DATE : 20TH JANUARY, 2021.**

FINAL ORDER :

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

2. The learned counsel for the petitioner submits that, paternal relative of the petitioner namely Vaishnavi Dattatray Nilawad, Shital Uttam Nilawad and Neha Subhash Nilawad had also applied for issuance of viladity certificates of Mannervarlu (S.T.). Their tribe claims were invalidated. They filed Writ Petition No. 8074 of 2020, W. P. No. 8077 of 2020 and W. P. No. 8078 of 2020. This Court under common judgment and order dated 09.12.2020 allowed the said writ petitions and directed the Committee to issue validity to them.

3. We have also heard the learned Assistant Government Pleader for respondents/State. The learned A. G. P. submits that, the committee has considered all these aspects and suppression of facts while issuance of validities to the paternal relatives of the petitioners.

4. We have considered the submissions canvassed by the learned counsel for respective parties and also the judgment of this Court dated 09th December, 2020 in Writ Petition No. 8074 of 2020.

5. It is not disputed that, all these petitioners are paternal cousins of each others and their claims are invalidated by a common judgment. The following persons in the family of petitionerS in Writ Petition No. 8077 of 2020 are issued with the validity certificates of Mannervarlu (S.T.).

Sr. No.	Name of the validity certificate holder	Date of Validity Certificate	Relation with the petitioner
01.	Bhanudas Baliram Nilawad	08.08.1997	Cousin uncle
02.	Madhav Balaji Nilawad	08.08.1997	Cousin uncle
03.	Uttam Sayaji Nilawad	21.03.2003	Father
04.	Jotsna Venkatrao Nilawad	31.07.2004	Cousin Sister
05.	Mayuri Madhavrao Nilawad	09.06.2005	Cousin Sister
06.	Nagesh Venkatrao Nilawad	09.06.2005	Cousin brother
07.	Subhash Balaji Nilawad	15.02.2006	Cousin Uncle
08.	Datta Baliram Nilawad	05.04.2006	Cousin Uncle
09.	Venkat Baliram Nilawad	30.05.2006	Cousin Uncle

10.	Maroti Baliram Nilawad	30.05.2006	Cousin Uncle
11.	Sneha Venkatrao Nilawad	15.07.2008	Cousin Sister
12.	Supriya Madhavrao Nilawad	10.11.2008	Cousin Sister
13.	Swapnil Venkatrao Nilawad	11.03.2010	Cousin Brother
14.	Pankaj Maroti Nilawad	09.08.2011	Cousin Brother

6. The fathers of all these petitioners are issued with validity certificates of Mannervalu (S.T.) and also real paternal cousins.

7. The entry in the school record of Maruti of the year 1971 does not appear to be disputed. The school entry of Venkatrao @ Venkati appears to be Mannervalu. The committee has found that word 'lu' has been added subsequently. The said matter was subject matter of consideration when validity was issued to the daughter and son of Venkatrao namely Jotsana and Nagesh. The show cause notices are issued to them.

8. In the case of Anand Vs. Committee for Scrutiny reported in *(2012) 1 SCC 113*, the Apex Court has held that, affinity test is not a litmus test. The committee has decided to reopen the validity certificates issued to the relatives of the petitioners and relied by the petitioners.

09. In the light of the above, we pass following order.

10. The impugned judgment and order is quashed and set

aside. The Committee shall issue validity certificates to the petitioners of 'Mannervarlu' (Scheduled Tribe) immediately. Said validity certificates would be subject to the decision that would be taken by the Committee in the proceedings reopened of the validity holders relied by the petitioners.

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

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

bsb/Jan. 21