

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

WRIT PETITION NO. 1132 OF 2021

Akanksha Rameshrao Mittewad and
another .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Shri Pratap V. Jadhavar, Advocate for Petitioners.
Shri K. N. Lokhande, 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 claims of the petitioners as belonging to Mannervarlu (Scheduled Tribe) are invalidated.

2. The learned counsel for petitioners submits that, there are seventeen (17) validities in the family of the petitioners. According to the learned counsel one paternal cousin of the petitioners namely Priti Nivrutti Mittewad had also applied for issuance of validity certificate. Her claim was invalidated by the Scrutiny Committee. She filed Writ Petition No. 8815 of 2019. This Court under order dated 19.07.2019 allowed the writ petition and directed the Committee to issue validity certificate to her.

3. The learned Assistant Government Pleader does not dispute relationship of present petitioners with Preeti Nivrutti Mittewad. They are paternal cousins.

4. In case of Priti Nivrutti Mittewad, this Court has observed as under :

4. It is not disputed that the father of the petitioners, two real uncles of the petitioners namely Namdeo and Vitthal are issued with the validity certificate. It is also not disputed that the six children of the real uncle of the petitioners namely Vijay, Pooja, Pankaj, Vijaya, Ganesh and Ramesh are issued with the validity certificates of 'Mannervarlu' Scheduled Tribe. It is submitted that these entries were also considered while granting validity to the predecessors of the petitioners.

5. It is also a fact that, the father of the petitioner is issued with the validity certificate.

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

7. The impugned order is quashed and set aside. The Committee shall issue validity certificate of 'Mannervarlu' Scheduled Tribe to the petitioners immediately. The said validity certificate shall be subject to the decision that would be taken by the Committee, in case the validation proceeding in respect of the father of the petitioner is reopened.

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

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

bsb/Jan. 21