

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

965 WRIT PETITION NO.2046 OF 2021

TEJAS BALAJI BODHGIRE
VERSUS
THE STATE OF MAHARASHTRA THR ITS SECRETARY AND OTHERS

...

Advocate for Petitioner: Mr. Vibhute Sunil M.
AGP for respondents/State: Mr S R Yadav Lonikar

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

DATE : 2nd February, 2021

ORDER:

1. Caste claim of the petitioner as Mannervarlu Scheduled Tribe is invalidated.

2. Amongst other submissions, one of the submissions made by the learned counsel for the petitioner that paternal relatives of the petitioner namely Sanjivani Sudhakar Bodhgire and Ganesh Sudhakar Bodhgire had also applied for grant of validity certificate of Mannervarlu Scheduled Tribe. Their claim was invalidated. Ganesh Sudhakar Bodhgire filed writ petition bearing No.9056/2019. The same was partly allowed under the order dated 21st August, 2019. The committee was directed to issue validity certificate to him subject to the outcome of the show cause notice issued to the validity holders relied by the said petitioner. Same order was passed in case of Sanjivani Sudhakar Bodhgire in Writ Petition No. 9183/2019 dated 4th November, 2020.

3. We have also heard the learned A.G.P.

4. It does not appear that relationship is disputed.

5. Caste of the real brother of the petitioner namely Manas Balaji Bodhgire was also decided alongwith the caste claim of Ganesh and Sanjivani Sudhakar Bodhgire by the Committee. The Court at Bombay, while passing the order in Writ Petition No.9056/2019, observed thus:

"6. The learned Government Pleader submits that since some interpolation is noticed in the school records of the Ashwini Sudhakar Bodhgire and Vinod Bapurao Bodhgire, the Committee has issued a show cause notice to them. we find that the Committee has not recorded specific findings as regard possibility of some interpolation. Be that as it may, we have notice that Ashwini and Vinod Bapurao Bodhgire has already been granted caste validity certificates. Thus, in our considered view, the reason assigned by the Committee for rejection of the petitioner's claim cannot be sustained as it runs contrary to the view taken by the Division Bench of this court in the case of Apoorva Vinay Nichale (supra).

7. In the circumstance, in the light of the judgment in the case of law laid down in the cases of Apoorva Nichale, Anand Vs. Committee and Raju Ramsing Vasave (supra), the petitioner is entitled to be granted caste validity certificate forthwith. However, the issuance of the caste certificate shall be subject to the outcome of the show cause notice which has been issued against the Ashwini and Vinod Bapurao Bodhgire by the Committee as the caste c validity certificates issued to Ashwini and Vinod Bapurao Bodhgire is found to be based on interpolation/adverse entries."

6. In light of above, we follow the same course and pass following order:

O R D E R

1. The impugned order is quashed and set aside.
 2. The Committee shall issue validity certificate to the petitioner of Mannervarlu Scheduled Tribe immediately. The said validity certificate shall be subject to the decision that would be taken by the Committee in proceedings re-opened of the validly holders relied by the petitioner.
7. Writ petition disposed of. No costs.

(SHRIKANT D. KULKARNI, J.)

(S.V.GANGAPURWALA, J.)

JPC