

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

WRIT PETITION NO.10253 OF 2021

YOGESHRI BHAGWAN INGEWAD HR HER FATHER BHAGWAN
BABARAO INGEWAD ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER..RESPONDENTS

...

Mr. Chandrakant R. Thorat, Advocate for the
Petitioner.

Mr. S. G. Karlekar, AGP for Respondents-State.

...

**CORAM : S. V. GANGAPURWALA &
R. N. LADDHA, JJ.**

DATED : 26th OCTOBER, 2021.

PER COURT:-

1. Amongst the various contentions Mr. Thorat, learned counsel submits that, the claim of the petitioner is invalidated under a common judgment and order dated 14.01.2021 in case of present petitioner and her real sister Ku. Netra. Ku. Netra has assailed the judgment invalidating her tribe claim by filing Writ Petition No.1339/2021. The same is allowed on 22.01.2021 and the Court had directed to issue conditional validity certificate to her.

2. It is further submitted that, the real brother of the petitioner Suhas and real sister Sneha had applied for validity certificates of Mannervarlu, Scheduled Tribe, the same were

invalidated. They filed writ petition bearing no.8752 of 2019 and Writ Petition No.8773 of 2019 before this Court. This Court under judgment and order dated 18.07.2019 allowed the writ petition.

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

4. The learned A.G.P. does not dispute the relationship of the petitioner with Suhas and Sneha as real brother and sister of the petitioner.

5. This Court under the judgment dated 18.07.2019 in Writ Petition No. 8752 of 2019 and Writ Petition No. 8773 of 2019 has observed as under-

"5. As far as Khasra Patrak is concerned, in fact there is no column of caste in the Khasra Patrak. The Khasra Patrak would not enure to the benefit of the petitioners. As far as other documents of real uncle, father and the petitioners are concerned the caste is recorded as Mannervarlu and interpolation has not been found as seen from the judgment of the committee.

6. It appears that the cousin aunt of the petitioners namely Yamuna Ramji had taken admission on 20.06.1969 and in her record Mannurvar caste is recorded. The same would be a contra entry. However, there are consistent entries in the record of the father, real uncle and the aunt wherein caste is recorded as Mannervarlu.

7. Considering the validities being issued to the father and real paternal uncle of the petitioners Suhas and Sneha and also to the other family members in the same family,

we set aside the judgment of the committee and direct the committee to issue validity certificates to these petitioners of Mannervarlu, Scheduled Tribe immediately. The validity certificates issued to the petitioners would be subject to the decision that would be taken by the committee in case the validation proceedings of the validity holders relied by the petitioners are reopened and some adverse decision is taken in the same.

6. In light of the above, we follow the same course.

7. The impugned judgment is quashed and set aside. The committee shall issue validity certificate to the petitioner of Mannervarlu, Scheduled Tribe immediately. The said certificate shall be subject to the decision that would be taken by the committee in the validation proceedings re-opened of the validity holders relied by the petitioner.

8. Writ Petition is accordingly disposed of. No costs.

(R. N. LADDHA)
JUDGE

(S. V. GANGAPURWALA)
JUDGE