

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

WRIT PETITION NO. 9087 OF 2021

Umesh Madhavrao Adbalwad .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Sunil M. Vibhute, Advocate for the Petitioner.

Shri S. G. Karlekar, A.G.P. for Respondent Nos. 1 to 3.

Shri Kishor C. Sant, Advocate for the Respondent No. 4.

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

DATE : 28TH OCTOBER, 2021.

FINAL ORDER :

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

2. The learned counsel for the petitioner submits that, father of the petitioner Madhav is issued with the validity certificate of 'Mannervarlu' (Scheduled Tribe). One real uncle of the petitioner namely Shivaji is also issued with the validity certificate of Mannervarlu (S.T.). So also other real paternal uncles of the petitioner namely Anandrao Maroti and Shivaji Maroti are issued with the validity certificates of 'Mannervarlu' (S.T.). The Committee had invalidated the claim of Neha D/o Shivaji and Nisha D/o Shivaji. They had filed writ petition before the Division Bench of this Court at Principal seat at Bombay. This

Court allowed the writ petitions filed by them bearing Writ Petition No. 7476 of 2018 under order dated 23.07.2018 at Principal Seat at Bombay and directed the Committee to issue validity certificates to them. All the voluminous documents were considered earlier.

3. The learned Assistant Government Pleader for respondents/State submits that, while issuing validities to the father of the petitioner and the paternal uncles, the contra entries were suppressed. There are contra entries in the relevant record of the petitioner. The Division Bench of this Court at the Principal seat at Bombay had issued conditional validities to the paternal cousins of the petitioner. The petitioner has failed in the affinity test.

4. It is not disputed that, the father of the petitioner and three real paternal uncles of the petitioner are issued with the validity certificates by the Committee itself.

5. Two paternal cousins of the petitioner namely Neha and Nisha, who are daughters of real paternal uncle of the petitioner namely Shivaji were directed to be issued with the validity certificates under the orders of the Division Bench of this Court at its Principal Seat at Bombay. In the said cases, the Division Bench directed to issue conditional validities.

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

pass following order.

7. The committee is directed to issue tribe validity certificate to the petitioner forthwith. As the committee has already initiated proceeding for cancellation of validity issued to the blood relations of the petitioner, in response to the Courts query, it is assured by the Committee that the Committee will conclude those proceedings within a period of three (03) months from the date of receipt of copy of this order. If the proceeding for cancellation of caste validity holders are answered against such certificate holders, it shall be open for the respondent/Committee to issue show cause notice to the petitioner as to why the validity certificate granted to petitioner should not be cancelled and it will be open for the Committee to take those proceeding to its logical end. Needless to say that the certificate issued to the petitioner is subject to the outcome of the proceeding for cancellation of validity issued in favour of her blood relations.

8. With the aforesaid observation, the writ petition is allowed to the extent indicated above. The writ petition is disposed of. No costs.

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]