

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

**WRIT PETITION NO. 14349 OF 2018**

Nitin Narayan Gudalod

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Mr. A. S. Golegaonkar, Advocate for the Petitioner.

Mr. P. S. Patil, Addl. G. P. for Respondent Nos. 1 to 3.

Mr. S. T. Solanke and Mr. P. S. Gapat, Law Officer are present.

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

**DATED : 04<sup>th</sup> JANUARY, 2021.**

**PER COURT:-**

. Mr. Golegaonkar, learned counsel for the petitioner submits that the father of the petitioner namely Narayan is issued with the validity certificate of "Mannervarlu" (Scheduled Tribe). The real brother of the petitioner namely Sanjaykumar is also issued with the validity certificate of "Mannervarlu" (Scheduled Tribe) by the committee. Relying upon the same, the cousin niece of the petitioner namely Apurva D/o Devidas is issued with the conditional validity certificate by the Division Bench of this Court at the Principal Seat at Bombay under its order dated 23.07.2018 in Writ Petition No. 7497 of 2018. The cousin brother of the petitioner namely Devidas is also issued with the validity certificate of "Mannervarlu" (Scheduled Tribe) by the committee.

2. The learned Addl. G. P. submits that the father of the petitioner, real brother of the petitioner and the cousin brother of the petitioner had suppressed the relevant documents from the committee and from the Division Bench of this Court at the Principal Seat at Bombay. The committee has considered all the aspects in its correct perspective and has rightly passed the order.

3. From the genealogy on record and the judgment of the Division Bench of this Court at the Principal Seat at Bombay in case of Apurva in Writ Petition No. 7497 of 2018 it appears that the relationship of Apurva and the present petitioner is accepted.

4. In case of paternal cousin niece of the petitioner namely Apurva D/o Devidas the Division Bench of this Court at the Principal Seat at Bombay has directed grant of conditional validity certificate to Apurva.

5. For the reasons recorded under the judgment and order dated 23.07.2018 in Writ Petition No. 7497 of 2018, we follow the same course.

6. The Division Bench of this Court at the Principal Seat at Bombay in Writ Petition No. 7497 of 2018 under judgment and order dated 23.07.2018 has observed as under :

“6. .... Be that as it may, we have noticed that the **Petitioner's** father, cousin grandfather and one cousin uncle have already been granted caste validity certificate. 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 circumstances, 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 certificate shall be subject to the outcome of the show cause notice which has been issued against the father, cousin grand father and cousin uncle of **the petitioner** by the Committee as the caste validity certificate issued to the uncle cousin grandfather of **the petitioner** is found to be based on interpolation/adverse entries."

7. In the light of the above, the impugned judgment delivered by the committee is quashed and set aside qua the petitioner. 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 the proceedings reopened of the validity holders relied by the petitioner.

8. Writ petition is disposed of. No costs.

( SHRIKANT D. KULKARNI )  
JUDGE

( S. V. GANGAPURWALA )  
JUDGE

P.S.B.