

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

WRIT PETITION NO. 8735 OF 2019

Shivani Suresh Dugmod
Through father and GPA
Suresh Hanmalu Dugmod

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Mr. Sunil M. Vibhute, Advocate for the Petitioner.
Mr. S. G. Karlekar, AGP for Respondent Nos. 1 and 2.
Mr. S. B. Bhosle, Advocate for Respondent No. 3.
Mr. C. A. Jadhav, Advocate for Respondent No. 4.

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

DATED : 29th JANUARY, 2021.

PER COURT:-

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

2. Amongst the various grounds raised by the petitioner, one of the ground is that the real sister of the petitioner namely Shruti D/o Suresh had also applied for issuance of validity certificate of “Mannervarlu” (Scheduled Tribe). The same was invalidated. She filed Writ Petition No. 9057 of 2019 before the Principal Seat at Bombay. The Division Bench of this Court at the Principal Seat at Bombay under judgment

and order dated 20.08.2019 observed as as under :-

“6. The learned Government Pleader submits that since some interpolation is noticed in the school record of **petitioner’s father Suresh Dugmod and cousin uncles from paternal side**, the Committee has issued 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 noticed that the **petitioner’s father Suresh Dugmod and cousin uncles from paternal side** have 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 circumstances, in the light of the law laid down by the judgments in 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 notices which have been issued against petitioner’s father Suresh Dugmod and cousin uncles from paternal side by the Committee as the caste validity certificates issued are found to be based on interpolation / adverse entries.”

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

4. 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 re-opened of the validity holder relied by the petitioner.

5. Writ petition is disposed of. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

P.S.B.