

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.9123 OF 2019**

ROHINI SUDHAKAR BODHGIRE

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

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

Mr. A. R. Kale, AGP for Respondents-State.

Mr. Bhargav B. Kulkarni h/f Mr. K. C. Sant,
Advocate for Respondent No.3.

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

DATED : 26th OCTOBER, 2021.

PER COURT:-

1. Heard learned counsel for the petitioner.
2. The learned counsel for the petitioner submits that, by a common judgment tribe claims of the petitioner, her real brother Ganesh, real sister Sanjivani alongwith others are invalidated. The real brother of the petitioner namely Ganesh had challenged the said judgment by filing Writ Petition No.9056/2019 before the Division Bench of this Court at Principal Seat at Bombay. The Division Bench at the Principal Seat at Bombay under judgment and order dated August 21, 2019 allowed the said writ petition and directed to issue conditional validity to him. Another sister of the petitioner namely Sanjivani had filed Writ Petition No.9183/2019 before this Court. The Division Bench of this Court at Aurangabad under

order dated 04th November 2020 allowed the said Writ Petition and also directed to issue conditional validity to the sister of the petitioner namely Sanjivani.

3. According to the learned counsel for the petitioner, the petitioner is similarly situated, as the tribe claim is invalidated pursuant to a common judgment.

4. The learned A.G.P. submits that, there are contra entries on record. The same are not considered while setting aside the earlier validation proceedings. Further the validity relied upon of the near relatives are subjudice, as their validation proceedings are reopened. The committee has considered each aspect at the threadbare.

5. It is not disputed that by the common judgment tribe claims of the petitioner, real brother Ganesh and real sister Sanjivani were invalidated. The Division Bench of this Court at the Principal Seat at Bombay and the Division Bench of this Court at Aurangabad have allowed the writ petitions and directed to issue conditional validities.

6. The admission process has begun.

7. In view of that, we follow the same course. For the reasons recorded in judgment dated

August 21, 2019 at the Principal Seat at Bombay in Writ Petition No.9056/2019 and judgment dated 04th November 2020 before this Bench in Writ Petition 9183/2019, we allow the present writ petition.

8. The respondent no.4 is directed to issue validity certificate to the petitioner of "Mannervarlu" Scheduled Tribe. The same shall be subject to the decision in the proceedings which are reopened of the validity holders relied by the petitioner i.e. Ashwini Bodhgire and Vinod Bodhgire.

9. 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 her should not be cancelled and it will be open for the Committee to take those proceeding to its logical end. The validity certificate issued to the petitioner is subject to the outcome of the proceedings for cancellation of validity issued in favour of her blood relatives.

10. Writ Petition accordingly disposed of. No costs.

(R. N. LADDHA)
JUDGE

(S. V. GANGAPURWALA)
JUDGE