

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

WRIT PETITION NO. 8157 OF 2020

Varad S/o Moglaji Shirshetwar ... Petitioner.

Versus

The State of Maharashtra
and another ... Respondents.

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Mr. S.R. Barlinge, Advocate h/f Mr. O.B. Boinwad, Advocate for the
Petitioner.
Mr. P.S. Patil, A.G.P for Respondents / State.

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

DATE : 04th FEBRUARY, 2021

PER COURT:-

1. The tribe claim of the petitioner as belonging to “Mannervarlu”, Scheduled Tribe is invalidated.
2. Mr. Barlinge, learned counsel for the petitioner submits that there is not a single contra entry on record. All entries in the school record of the petitioner’s father, sister record caste as “Mannervarlu”. The committee has taken a doubt over the school entry of the father of the petitioner. The same was the subject matter of the vigilance while granting the validity to the father of the petitioner. The

vigilance did not find any interpolation in the school record of the father of the petitioner. Now the committee has taken a stand that there is some interpolation in the school record of the father of the petitioner. The learned counsel for the petitioner placed reliance on the judgment of the Division Bench of this Court in case of ***Apporva D/o. Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1 and others***, reported in 2010(6) and submits that the validity issued in favour of the paternal relatives is a relevant fact.

3. Mr. Patil, learned Addl. G.P. submits that the vigilance was conducted in the present matter and they found that the entry of the caste in the school record of the father of the petitioner is interpolated. The same has been considered by the committee. The petitioner also failed in the affinity test.

4. It is a matter of record that the vigilance was conducted before granting the validity certificate to the father of the petitioner. The vigilance in the case of the father of the petitioner did not find any interpolation, and found the entry in the school record of the father of the petitioner to be recorded as “Mannervarlu”. The committee in the present case found the said entry as interpolated. There are two vigilance reports contrary to each other on record.

5. The father of the petitioner is issued with the show cause notice as to why his validity proceeding should be not re-opened.

6. In the light of that, we pass the following order.

7. The impugned order is quashed and set aside. The scrutiny committee shall issue validity certificate to the petitioner of “Mannervarlu” Scheduled Tribe immediately.

8. The said validity certificate would be subject to the decision that would be taken by the committee in the proceedings re-opened of the validity holders relied by the petitioners.

9. Writ petition is disposed of. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S.V. GANGAPURWALA)
JUDGE

S.P Rane