

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1008 WRIT PETITION NO.10560 OF 2021

YOGESH SANJAYRAO SATAMWAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Vibhute Sunil M.
AGP for Respondents/State: Mr. S. P. Tiwari
Advocate for Respondent No.4: Mr. K. C. Sant
Advocate for Respondent No.5: Mr. M. D. Narwadkar

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

DATE : 21st October, 2021

P.C. :

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

2. Mr. Vibhute, the learned counsel submits that, the cousin of the petitioner, namely, Sanket S/o Shriram Satamwad is issued validity under the orders of this Court in Writ Petition (Stamp) No. 21450 of 2020 dated 20.11.2020. The real brother of the petitioner is granted validity by the Committee itself. The common vigilance has been conducted in case of the petitioner and Sanket S/o Shriram Satamwad. According to the learned counsel, the oldest school record of 1953 of Sankuram Sayannath Satamwad records the caste as 'Mannervarlu'. According to the learned counsel all the entries, relied

by the Committee as adverse were subject matter of consideration and some of the entries were also considered while granting validity to the real brother of the petitioner. The learned counsel submits that, vigilance report in case of father of Sanket shows that, the caste in the school record of Vitthal i.e. the grand father of petitioner records as 'Mannervarlu' whereas in the present case, the same is shown to be recorded as 'Mannurvar'. The same is illegal.

3. The learned AGP submits that, in school record of the petitioner's grand father, caste is recorded as 'Mannurvar', so also in case of two cousin's grand father of the petitioner, the caste is recorded as 'Mannurvar'. The said aspect was not brought to the notice of the Committee in the earlier proceedings. The petitioner has failed in the affinity test. The validity issued to the brother of the petitioner is reopened, so also the father of Sanket.

4. We have considered the submissions. The relationship of the present petitioner with Sanket S/o Shriram Satamwad is not disputed.

5. It appears that, common vigilance was conducted in case of petitioner as well as Sanket S/o Shriram Satamwad. This

Court had directed issuance of conditional validity to the Sanket S/o Shriram Satamwad. The real brother of the petitioner is also issued with the validity certificate of 'Mannervarlu Scheduled Tribe'. The father of Sanket is also issued with the validity certificate of 'Mannervarlu Scheduled Tribe'.

6. In view of the judgment delivered in the case of paternal cousin of the petitioner, namely, Sanket S/o Shriram Satamwad in Writ Petition (Stamp) No. 21450 of 2020 dated 20.11.2020, we follow the same course.

7. The impugned order is quashed and set aside. The Committee shall issue validity certificate to the petitioner of 'Mannervarlu Scheduled Tribe'.

8. The said validity certificate shall be subject to the decision that would be taken in the proceedings reopened of the real brother of the petitioner and father of Sanket i.e. Shriram and in that event, the petitioner would not be entitled to claim equity.

9. Writ petition is, accordingly, disposed of. No costs.

(R. N. LADDHA, J.)

(S. V. GANGAPURWALA, J.)