

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

918 WRIT PETITION NO.9064 OF 2020

MANIK SAHEBRAO BODAMWAD AND ANOTHER  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioners : Mr. Vibhute Sunil M.  
AGP for Respondents State: Mr S.G. Karlekar,

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

DATE : 5th January, 2021

**ORDER:**

1. Caste claim of the petitioners as Mannervarlu is invalidated.
  
2. The learned counsel for the petitioners submits that father of the petitioners Sahebrao, real sister of the petitioners Shruti, real uncle of the petitioners Gangadhar, children of Gangadher namely Santosh and Sachin so also children of another real uncle of the petitioners Pundlik namely Kaveri and Akash are issued with the validity certificate of Mannervarlu Scheduled Tribe. Father of the petitioners is issued with the validity certificate in the year 2006 after conducting vigilance and school entry of the father of the petitioners has been confirmed by the vigilance and entry of caste has been found to be as Mannervarlu. The committee has relied on the transfer certificate of the father of the petitioners, wherein the mistake was committed in writing the caste as Munnurvar, but the original school record mentions caste as Mannervarlu and the same is confirmed by the vigilance while validating the caste claim of the petitioners' father.

3. The learned counsel submits that real sister of the petitioners and real uncle so also children of the real uncles of the petitioners are issued with the validity certificates on the basis of validity issued to the father of the petitioners.

4. One invalidation of a distant relative of the year 2007 would not be much relevant. There are no contra entries. The petitioners have denied the relationship of the persons whom the Committee describe as petitioners' great grandfather and cousin grandfather.

5. Mr. Karlekar, the learned A.G.P. submits that the petitioners could not prove affinity test, the school record of the petitioners' father records caste as Munnurvar. The same has been considered by the Committee, so also invalidation of one of the paternal relative of the year 2007 has been relied by the committee. The petitioners have failed in affinity test also.

6. We have considered the submissions.

7. It is not disputed that father of the petitioners Sahebrao is issued with validity certificate of Mannervarlu Scheduled Tribe after conducting vigilance. It is also a matter of record that real sister of the petitioners Shruti is issued with validity certificate of Mannervarlu Scheduled Tribe. Real uncle of the petitioners Gangadhar is issued with validity certificate of Mannervarlu Scheduled Tribe. Two children of real uncle Gangadhar and two children of real uncle Pundlik are also issued with validity certificates of Mannervarlu Scheduled Tribe. While issuing validity to the father of the petitioners, the vigilance was conducted and the vigilance report

verifies the school entry of the father of the petitioners wherein the caste is recorded as Mannervarlu.

8. In the preset case, the committee observed that the caste is recorded as Munurwar in the school record of the father of the petitioners. Two vigilance reports appear to be against each other. The validity holders relied by the petitioners are issued with the show cause notices.

9. In light of above, we pass following order:

### **O R D E R**

- i. The impugned order is quashed and set aside.
  - ii. The Committee shall issue validity certificate to the petitioners of Mannervarlu Scheduled Tribe. The said validity certificate shall be subject to the decision that would be taken by the Committee in proceedings re-opened of the validly holders relied by the petitioners.
10. Writ petition disposed of. No costs.

**(SHRIKANT D. KULKARNI, J.)**

**(S. V. GANGAPURWALA, J.)**

JPC