

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

1109 WRIT PETITION NO.11489 OF 2021

SHREYAS IRANNA AKULWAR THROUGH FATHER AND NATURAL
GUARDIAN IRANNA BHUMANNA AKULWAR
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS

...
Advocate for Petitioners : Mr. Sunil M. Vibhute.

AGP for Respondent/State: Mr. S. P. Tiwari.

Advocate for Respondent No.3 : Mr. M. D. Narwadkar.

...

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

DATE : 27th October, 2021.

PER COURT:

. The caste claim of the petitioner as belonging to Mannervarlu Scheduled Tribe has been invalidated.

2 The learned counsel for petitioner submits that three real sisters of petitioner namely Shalini, Shamili and Chaitanya are issued with validity certificate of Mannervarlu Scheduled Tribe by the Committee itself. The real uncle of petitioner namely Shailesh is issued with validity certificate of Mannervarlu Scheduled Tribe. The entry of Iranna, which the Committee considered as adverse, was also subject matter of consideration while granting validity to the uncle of petitioner. The vigilance was conducted and the vigilance has put an endorsement that it has verified the entry and found it to be of

Mannervarlu. The vigilance report in case of Shailesh, uncle of the petitioner, is also placed on record.

3 The learned AGP submits that the school record of Iranna, father of petitioner, records caste as Munnurwar and the same has been changed to Mannervarlu. In another school record of the petitioner's father the word "lu" has been added subsequently. The proper procedure is not followed while granting validity to the sisters and uncle of the petitioner. The petitioner has failed in the affinity test.

4 We have gone through the judgment. It is not disputed that the three real sisters of petitioner namely Shalini, Shamili and Chaitanya are issued with validity certificate of Mannervarlu Scheduled Tribe by the Committee. The real uncle of petitioner is also issued with validity certificate of Mannervarlu Scheduled Tribe by the Committee. The vigilance was conducted in case of Shailesh. The vigilance report is placed on record. The entry which the Committee in the present case considered to be contra, in the school record of the father of petitioner, was also subject matter of vigilance in the case of real uncle of petitioner and the vigilance found the said entry of the school record to be recorded as Mannervarlu and not the contra entry. It is submitted that show cause notices are issued to the validity holders.

5 In light of the above, we pass the following order:

ORDER

- I. The Committee shall issue validity certificate to the petitioner of Mannervarlu Scheduled Tribe immediately .
- II. The said certificate shall be subject to the decision that would be taken by the Committee in the proceedings reopened of the validity holders relied by the petitioner.
- III. The writ petition is disposed of. No costs.

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]

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