

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

**WRIT PETITION NO. 179 OF 2021**

Gamyashri D/o Venkatrao Gajulwar ... Petitioners.

Versus

The State of Maharashtra  
and others ... Respondents.

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Mr. M.A. Golegaonkar, Advocate for the Petitioner.  
Ms. P.V. Ddiggikar, A.G.P. for respondent Nos. 1 to 3 and 5.  
Mr. S.S. Deve, Advocate for Respondent No.4.  
Mr. S.G. Karlekar, Advocate for Respondent No.6.

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

**DATE : 15<sup>th</sup> JANUARY, 2021**

**PER COURT:-**

1. The tribe claim of the petitioner as Mannervarlu, Scheduled Tribe is invalidated.
2. Mr. Golegaonkar, learned Counsel for the petitioner submits that along with the petitioner the caste claim of another paternal relative of the petitioner namely Gajanan Babu Gajulwar is also invalidated. The real sister of Kum. Gamyashree, namely Kum. Gamanashree had also applied for validity earlier. Her tribe claim was invalidated. She preferred Writ Petition No. 8930 of 2018 before this Court. This Court under judgment and order dated 03.08.2018 allowed the writ petition filed by Kum. Gamanashree and directed to

grant conditional validity. The committee has passed the impugned judgment invalidating the tribe claim of the present petitioner and Gajanan Babu. Gamyashree is real sister of Kum. Gamanashree. As the petitioner is real sister of Kum. Gamanashree and her writ petition has been allowed against the judgment of the scrutiny committee invalidating her tribe claim we follow the same course. In the said judgment this Court observed as under-

“7. Considering the validities in favour of real uncles and real cousin sister and also considering the judgment and order dated July 23, 2018 in Writ Petition No. 7500 of 2018 passed by the Division Bench of this Court at its Principal Seat at Bombay, it would be appropriate to direct the Committee to issue validity certificate to the petitioner of Mannervarlu (S.T.) subject to the outcome of the proceedings that would be taken up in respect of validity holders to whom show causes are issued. In the light of the above, the respondent/Committee shall issue the validity certificate to the petitioner immediately of Mannervarlu (S.T.) considering that the petitioner has secured provisional admission to the M.B.B.S. course and 04th August, 2018 is the last date for submitting validity certificate. The writ petition is accordingly is disposed of. No costs.

8. Naturally, in case validity certificates in favour of the paternal relatives of the petitioner and relied by the petitioner are subsequently invalidated, the petitioner cannot claim any equity, nor would be entitled to protect the admissions.

3. In light of the above, we follow the same course.
4. The impugned judgment is quashed and set aside.
5. The committee shall issue validity certificate to the petitioner of Mannervarlu, Scheduled Tribe immediately. The said validity certificate shall be subject to the decision that would be taken by the committee in the proceedings re-opened of the validity holders relied by the petitioner.
6. Writ Petition is accordingly disposed of. No costs.

**( SHRIKANT D. KULKARNI )**  
**JUDGE**

**( S.V. GANGAPURWALA )**  
**JUDGE**

S.P. Rane