

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

1019 WRIT PETITION NO. 129 OF 2021

**GAJANAN BABU GAJULWAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for Petitioner: Mr. Golegaonkar Madhur A.
AGP for Respondents No. 1 to 3 & 5:

Mr. P. S. Patil

Advocate for Respondent No. 4: Mr. S. S. Deve
Advocate for Respondent No. 6: Mr. S. G. Karlekar

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

DATE: 14th 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 Kum. Gamyashree D/o. Venkatrao 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 Kum. Gamyashree. Kum. Gamyashree is real sister of Kum. Gamanashree. As the petitioner is paternal relative 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, J.]
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[S. V. GANGAPURWALA, J.]