

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

930 WRIT PETITION NO.12603 OF 2021

VENKATESH JAIRAM SINGANWAD AND OTHERS
VERSUS
DIRECTOR OF MEDICAL EDUCATION AND RESEARCH CET CELL
AND OTHERS

...
Advocate for Petitioners : Mr. S.S. Phatale
AGP for Respondents State : Mr. P.S. Patil
...

**CORAM : S.V. GANGAPURWALA &
R.N. LADDHA, JJ.**
DATED : 18/11/2021.

PER COURT :

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

2. Amongst the other submissions, one of the submission made by the learned counsel for the petitioner is that, the real sister of the petitioner Nos. 1 and 2 and one brother of petitioner Nos. 1 and 2 had also applied for validity certificate. Their claims were rejected. They challenged the same by filing Writ Petitions before this Court. This Court under judgment and order dated 3rd August, 2018 in Writ Petition No.2075/2018 with connected matter allowed the writ petitions.

3. According to the learned AGP, there are contra entries of the record and the validity granted is conditional validity.

4. In the case of real brother and sister of the petitioner Nos. 1 and 2, this Court in Writ Petition No. 2075/2018 under order dated 3rd August 2018 has observed as under :-

“8. In similar set of facts when the paternal relative is given validity certificate and committee was contemplating re-opening of the proceedings granting validity to them the Division Bench of this Court at the Principal Seat at Bombay in Writ Petition No. 7500 of 2018 and many other writ petitions directed issuance of validity to the petitioners subject to the decision in the proceedings re-opened by the Committee of the validity holder relied by the petitioner.

9. Considering the old entries of the year 1953 and 1950-51 being relied in respect of Mannervarlu in respect of the grandfather and great grandfather of the petitioners, so also validity issued in favour of their paternal cousins of the petitioners and also in view of the judgment and order dated July 23, 2018 passed by the Division Bench of this Court at Principal seat at Bombay in Writ Petition No. 7500 of 2018, it would be appropriate to direct the respondent/Committee to issue validity certificates in favour of the petitioners of Mannervarlu (S.T.). The same would be subject to decision in the proceedings that are reopened in respect of validity holders relied by the petitioners. The respondent/Committee shall immediately issue the

validity certificates to the petitioners of Mannervarlu (Scheduled Tribe) considering the fact that, 04th August, 2018 is the last date for submission of validity certificates. The writ petition are disposed of. No costs.

10. Naturally, in case validity certificate of the paternal cousins relied by the petitioners are subsequently invalidated, the petitioner cannot claim any equity, nor would be entitled to protect the admission.”

5. In the light of above, we following the same course and pass the order :-

ORDER

- I) The impugned judgment and order is quashed and set aside.
- II) The Committee shall issue validity certificate to the petitioners of ‘Mannervarlu’ Scheduled Tribe immediately.
- III) The said validity certificate would be subject to the decision that would be taken by the Committee in the proceedings that may be reopened of the validity holders relied upon by the petitioners.
- IV) Writ petition is disposed of. No costs.

[R.N. LADDHA, J.]

[S.V. GANGAPURWALA, J.]