

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

WRIT PETITION NO. 12835 OF 2021

Ankur Ramesh Bodhgire .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Sunil M. Vibhute, Advocate for the Petitioner.

Shri S. K. Tambe, A.G.P. for Respondents/State.

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

DATE : 24TH NOVEMBER, 2021.

FINAL ORDER :

. The tribe claim of the petitioner as belonging to 'Mannervarlu' (Scheduled Tribe) is invalidated.

2. Mr. Vibhute, the learned counsel for the petitioner submits that, the father of the petitioner namely Ramesh, real uncle of the petitioner namely Deelip have been issued with the validity certificates by the Committee. The sons of another real uncle of the petitioner namely Ganesh Sudhakar Bodhgire and Sanjivani Sudhakar Bodhgire are also issued with the validity certificates of Mannervarlu (S.T.) by the Committee. The son of the cousin uncle of the petitioner Balaji namely Tejus had also applied for validity certificate. His claim was invalidated by the Committee. He filed Writ Petition No. 2046 of 2021 before this Court. This Court under order dated 02nd February 2021 allowed the said

writ petition directing to grant conditional validity. The learned counsel submits that, the vigilance conducted in the case of Tejus was relied upon while deciding present case by the Committee.

3. The learned Assistant Government Pleader submits that, there are contra entries on record. Show cause notices are issued to the validity holders relied by the petitioner.

4. As relationship is not disputed, we follow the same course as taken by this Court in the case of Tejus under order dated 02nd February, 2021 in Writ Petition No. 2046 of 2021.

5. In case of Tejus it has been observed by this Court as under :

5. Caste of the real brother of the petitioner namely Manas Balaji Bodhgire was also decided along with the caste claim of Ganesh and Sanjivani Sudhakar Bodhgire by the Committee. The Court at Bombay, while passing the order in Writ Petition No.9056/2019, observed thus:

"6. The learned Government Pleader submits that since some interpolation is noticed in the school records of the Ashwini Sudhakar Bodhgire and Vinod Bapurao Bodhgire, the Committee has issued a show cause notice to them. we find that the Committee has not recorded specific findings as regard possibility of some interpolation. Be that as it may, we have notice that Ashwini and Vinod Bapurao Bodhgire has already been granted caste validity certificates. Thus, in our considered view, the reason assigned by the Committee for rejection of the petitioner's claim cannot be sustained as it runs contrary to the view

taken by the Division Bench of this court in the case of Apoorva Vinay Nichale (supra).

7. In the circumstance, in the light of the judgment in the case of law laid down in the cases of Apoorva Nichale, Anand Vs. Committee and Raju Ramsing Vasave (supra), the petitioner is entitled to be granted caste validity certificate forthwith. However, the issuance of the caste certificate shall be subject to the outcome of the show cause notice which has been issued against the Ashwini and Vinod Bapurao Bodhgire by the Committee as the caste c validity certificates issued to Ashwini and Vinod Bapurao Bodhgire is found to be based on interpolation/adverse entries."

6. In light of above, we follow the same course and pass following order:

O R D E R

1. The impugned order is quashed and set aside.
2. 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 proceedings re-opened of the validly holders relied by the petitioner.
3. The writ petition is disposed of. No costs.

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]