

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

996 WRIT PETITION NO.13014 OF 2021

**BHALCHANDRA PIRAJI JAWADWAD AND ANOTHER
VERSUS
STATE COMMON ENTRANCE TEST CELL AND ANOTHER**

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Advocate for Petitioners: Mr. Phatale Sagar S
Advocate for Respondent No. 1: Mr. S. G. Karlekar
AGP for Respondent No. 2: Mr. P. S. Patil

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

DATE: 04th DECEMBER, 2021

PER COURT:

1. Heard the learned Counsel for the Petitioners and the learned A.G.P.

2. The tribe claims of the Petitioners of Mannervarlu, Scheduled Tribes are invalidated.

3. The learned Counsel submits that father of the Petitioners namely Piraji is issued with the validity certificate of Mannervarlu, Scheduled Tribe. The paternal uncle of the Petitioners Shivdas is also issued with the validity certificate of Mannervarlu, Scheduled Tribe.

Similarly, other second degree cousins of the Petitioners namely Ramesh and Ganesh are also issued with the validity certificates. The daughter of Ramesh namely Rutuja is also directed to be issued with the validity under the orders of this Court in Writ Petition No. 9338 of 2019 dated 31.07.2019. The learned Counsel submits contra entry of the father of the Petitioners were subject matter of consideration in the proceedings of Shivdas, the vigilance was conducted. In the vigilance of Shivdas also entries of Ramesh, Tukaram and Eknath were considered.

4. Mr. Patil, the learned A.G.P. submits that Rutuja D/o. Ramesh is a distant relative. There are many contra entries on record which would establish that the Petitioners, in fact, belong to Mannervar and not Mannervarlu. The Petitioners have failed in the affinity test. The show cause notices are issued to the father of the Petitioners, so also, Shivdas and other validity holders relied by the Petitioners.

5. We have considered the submissions canvassed by the learned Counsel for respective parties.

6. It appears that while granting validity to Shivdas the document of Ramesh was also considered. Rutuja is daughter of Ramesh. Her claim was invalidated. She filed Writ Petition No. 9338 of 2019. This Court on 31.07.2019 directed to issue conditional validity. Similarly, the other paternal cousin namely Akash S/o. Ganesh was also denied the validity certificate. He filed Writ Petition No. 21463 of 2020. This Court under order dated 20.11.2020 had directed to issue validity to him of Mannervarlu, Scheduled Tribe.

7. Considering that the validity certificate of Mannervarlu, Scheduled Tribe is issued to the father of the Petitioners so also uncle of the Petitioners and also the fact that the second / third degree paternal cousins are also directed to be issued validity certificates under the orders of this Court as observed above, we pass the following order.

8. The Committee shall issue validity certificates to the Petitioners of Mannervarlu, Scheduled Tribe.

9. The said validity certificates shall be subject to the decision of the Committee that would be taken in the proceedings reopened of the validity holder relied by the Petitioners.

10. Writ Petition accordingly stands disposed of.
No costs.

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]

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