

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 13363 OF 2021

SHUBHAM IRWANT KARNE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. Sunil M. Vibhute
AGP for Respondent – State : Mr. S.K. Tambe
...

**CORAM : S. V. GANGAPURWALA AND
S.G. DIGE, JJ.**

DATE : 6th DECEMBER, 2021

PER COURT :-

1. The caste claim of the petitioners as “Mannervarlu” Scheduled Tribe is invalidated. Mr. Vibhute, learned counsel for the petitioners submits that father of the petitioners is issued with validity certificate of “Mannervarlu” Scheduled Tribe. The real paternal uncle of the petitioners is issued with validity certificate of “Mannervarlu” Scheduled Tribe. The learned counsel further submits that oldest entry is of the paternal cousin grand-father, namely, Ramla Iranna of the year 1958. The School record of Ramlu Iranna was available for vigilance at the time of granting validity to the uncle of the petitioner, namely, Madhav Baganna.

2. The learned counsel submits that some of the contra evidence were also subject matter of consideration. The learned counsel relies upon the judgment of the Division Bench of this Court in the case of Apporva Vinay Nichale Versus Divisional Caste Certificate Scurtiny Committee No.1 and others reported in 2010 (6) Mh.L.J. 401. Show cause notices are issued to the father and uncle of the petitioners.

3. Learned AGP appearing for respondent - State submits that in the case of Hanmant, his caste is recorded as “Mannarwar” and the contra entry exists. The petitioners have failed in the affinity test. Mr. Vibhute, learned counsel for petitioners submits that relationship of Hanmant Gangaram is not established, he is not relative of the petitioners.

4. It is not disputed that father and real paternal uncle of the petitioners are issued with validity certificates. So also cousin grand-father, cousin uncle and cousin brother and sisters are also issued with validity certificates of “Mannervarlu”. About nine persons from parental relations of the petitioners are issued with the validity certificates.

5. In the light of above, we pass the following order.

(i) The impugned order is quashed and set aside.

(ii) The committee shall issue validity certificates to the petitioners of “Mannervarlu” Scheduled Tribe. The said validity certificates shall be subject to the decision that would be taken in the re-opened proceedings of the validity holders relied upon by the petitioners.

(iii) Writ petition is accordingly disposed of. No costs.

(S.G. DIGE)
JUDGE

(S.V. GANGAPURWALA)
JUDGE

mtk