

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

WRIT PETITION NO. 6094 OF 2019

Pratiksha d/o Sanjay Deshtwar

.. Petitioner

Versus

The State of Maharashtra and ors.

.. Respondents

Mr S.M. Vibhute, Advocate for petitioner

Mr S.K. Tambe, A.G.P. for respondents no.1 to 4

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

DATE : 7th January 2021

PER COURT :

1. The caste claim of the petitioner as belonging to Mannervarlu - Scheduled Tribe is invalidated. Aggrieved thereby, the present Writ Petition.

2. We have heard Mr Vibhute, learned Counsel for the petitioner and learned A.G.P.

3. The proposal for validation of the tribe claims of the petitioner and her real sister Kumari Samiksha were referred to the Committee. The Scrutiny Committee under common judgment dated 5.9.2018 invalidated the tribe claims of the present petitioner and that of her real sister Kum. Samiksha Sanjay Deshtwar. Samiksha, daughter Sanjay Deshtwar filed Writ Petition No.6093 of 2019 before this Court. This Court, under order dated 21.09.2019 directed the Committee to issue validity certificate to Kum. Samiksha subject to the decision that would be taken in the proceedings that are reopened of the validity holders relied by the petitioner. In the said order, this Court had observed thus :

"5. The record of the petitioner's father is of the year 1980. It records his caste as Mannervarlu – Scheduled Tribe. So also, in school record of the petitioner's real paternal uncle, paternal aunt

caste is recorded as Mannervarlu. The contra evidence which the respondent alleges is of Babu M.Deshatwar. The school record has been traced out by vigilance and it is stated that in the school record of Babu M.Deshatwar Mannervarlu is written subsequently. In respect of other students, only religion has been mentioned and caste has not been mentioned. Even assuming that Mannervarlu was not written in the school record of Babu Malanna, then it would be that no caste is mentioned and only religion Hindu is mentioned. The same cannot be directly contra evidence.

6. Considering the validity issued to the real paternal uncle and the real paternal aunt after conducting of vigilance and the school record of petitioner's father, uncle, aunt, we pass the following order.

7. The Committee shall issue validity certificate to the petitioner of 'Mannervalu' Scheduled Tribe immediately. The said certificate shall be subject to the decision that would be taken in the proceedings that are reopened of the validity holders relied by the petitioner.

4. The caste claim of the petitioner is invalidated by a common judgment, by virtue of which the caste claim of Kum. Samiksha was also invalidated and her Writ Petition was allowed, as observed above, we pass the following order :

5. The Committee shall issue validity certificate to the petitioner of Mannervalu - Scheduled Tribe immediately. The said certificate shall be subject to the decision that would be taken in the proceedings that are reopened of the validity holders relied by the petitioner.

6. Writ Petition disposed of. No costs.

(SHRIKANT D. KULKARNI, J.)

(S.V. GANGAPURWALA, J.)