

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.14581 OF 2021

SUSHIL CHANDRASHEKHAR RAMOD
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS

...
Advocate for Petitioners : Mr. Chandrakant R. Thorat
Addl. GP for Respondents: Mr. P.S. Patil

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

DATE : 22nd DECEMBER, 2021

PER COURT :-

1. The tribe claim of the petitioner as 'Mannervarlu' Scheduled Tribe is invalidated.
2. The learned counsel for the petitioner submits that father of the petitioner, namely, Chandrashekar, real uncle of the petitioner, Gangadhar, another real uncle of the petitioner, namely, Suryakant are issued with validity certificates of 'Mannervarlu' Scheduled Tribe. The first degree paternal cousin. Madhuri, Mayuri, Priya and Pooja are also issued with validity certificates. The tribe claim of Madhuri was invalidated considering the contra entries. She filed Writ Petition No. 8277 of 2005. This Court under order dated 20-03-2009, remanded the matter back to the Committee. After remand of the matter, the validity certificate was issued to Madhuri.
3. The learned counsel submits that contra entries referred to in the present matter were subject matter of consideration in the case of Madhuri. The learned counsel submits that initially when tribe claim of the petitioner was invalidated, the Committee had considered the sale deed of

one Ramchandra, this Court remanded the matter and now after remand it is established that the said Ramchandra is not related to the petitioner. According to the petitioner, he has not suppressed the contra entries.

4. Mr. Patil, learned Additional Government Pleader submits that there are some contra entries and the claim of Madhuri was invalidated on the basis of said contra entries. After remand of the matter by this Court, the Committee has ignored the contra entries relied upon and had issued validity to one Sanjay, who was not actually related. It was only on the ground that the validity was issued to Sanjay, the validity was also granted to Madhuri by ignoring contra entries. The contra entries were not considered, and same were ignored by the Committee while granting validity certificate to Madhuri. Invalidation of one Anil Ganpat was suppressed while issuing validity to other validity holders relied upon by the petitioner. Invalidation in the case of Anil is of 1987 whereas validation in the case of Gangadhar is of the year 1997.

5. It is matter of fact that father and two real uncles of the petitioner are issued with validity certificates as 'Mannervarlu' Scheduled Tribe and four first degree paternal cousin of the petitioner are also issued with validity certificates as 'Mannervarlu.' Initially, claim of Madhuri one of the paternal cousin is invalidated on the basis of contra entries. She filed writ petition. This Court remanded the matter. After the remand, she was issued with validity certificate. It appears that the Committee did not give importance to the contra entries. The fact remains that all the contra entries are considered by the Committee when validity was issued to Madhuri, therefore, it cannot be said to be suppression of contra entries. It is submitted that show cause notices are issued to validity holders.

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

(i) The committee shall issue validity certificate to the petitioner of “Mannervarlu” Scheduled Tribe.

(ii) The said validity certificate shall be subject to the decision that would be taken in the re-opened proceedings of the validity holders relied upon by the petitioner.

7. Writ petition is accordingly disposed of. No costs.

(S.G. DIGE)
JUDGE

(S.V. GANGAPURWALA)
JUDGE

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