

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

**WRIT PETITION NO. 578 OF 2022**

Anushka Arwind Tadewad .. Petitioner

**Versus**

The State of Maharashtra  
and others .. Respondents

Shri Chandrakant D. Biradar, Advocate for the Petitioner.  
Shri P. S. Patil, Addl.G.P. for Respondent Nos. 1 and 2.

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

**DATE : 25TH JANUARY, 2022.**

**FINAL ORDER :**

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

2. The learned counsel for the petitioner submits that, the father of the petitioner Arwind is issued with the validity certificate of Mannervarlu (S.T.). The cousin grandfather of the petitioner Ramesh S/o Yadavrao is also issued with the validity certificate of Mannervarlu (S.T.). The cousin paternal uncle of the petitioner namely Sachin Anandrao and another paternal cousin uncle of the petitioner namely Nitin Anandrao are also issued with the validity certificates of Mannervarlu (S.T.). The learned counsel further submits that, the old document i. e. sale deed of the year 1354 Fasli executed between great grandfather

of the petitioner Govinda Kondba and another person records the caste of the great grandfather of the petitioner as Mannervarlu. The translation of the said Urdu document is placed on record. The same is translated by the Urdu knowing person. According to the learned counsel, the validities issued in favour of near relatives is relevant fact. Reliance is placed on the judgment of the Division Bench of this Court in a case of **Apoorva D/o Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No. 1 and others** reported in 2010 (6) Mh. L. J. 401. The learned counsel further submits that, the oldest document has more probative value.

3. The learned Additional Government Pleader for respondent Nos. 1 and 2 submits that, there is contra evidence on record, which was not considered while issuing validity certificate to the father of the petitioner and other paternal relatives. The sale deed relied by the petitioner does not state the caste of the great grandfather of the petitioner. The same was read over by the school teacher of Urdu subject namely Faruqui A. N. The Committee has considered all these aspects. Show cause notices have been issued to the validity holders relied by the petitioner.

4. The petitioner had produced the copy of the sale deed executed between her great grandfather and the purchaser. The petitioner has also placed on record the translation, wherein it is stated that caste of the great grandfather of the petitioner is

recorded as Mannervarlu. The vigilance had not obtained true translation of the said document from the official translator. The judgment impugned herein states that the said document of 1354 Fasli corresponding to 1943/44 was read over by Sau. Faruqui A. N. Urdu teacher in the Zilla Parishad school and according to her Mannervarlu is not appearing. We had asked the official translator of this Court i. e. Deputy Chief Translator and Interpreter to go through the said document i. e. the document produced by the learned Addl. G. P. and obtained by the vigilance. The said original sale deed was read over by him and he opined that the caste Mannervarlu is mentioned in the said sale deed against the name of the great grandfather of the petitioner. There appears to be some contra evidence, but the document of 1354 Fasli is oldest document recording caste Mannervarlu of the great grandfather of the petitioner. There are other validity certificates issued to the father and paternal relatives of the petitioner. Show cause notices are issued to them.

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

6. The Committee shall issue validity certificate to the petitioner of 'Mannervarlu' (Scheduled Tribe). The said validity certificate would be subject to the decision that may be taken by the Committee in the proceedings reopened of the validity holders relied by the petitioner. The original document of the sale deed is returned back to the learned Addl. G. P. The

committee may refer the document i. e. sale deed of the 1354 Fasli relied by the petitioner herein to the vigilance and may take further decision accordingly with regard to the said document in the proceeding that are reopened of the validity holders relied by the petitioner.

7. The writ petition is disposed of. No costs.

**[S. G. DIGE, J.]**

**[S. V. GANGAPURWALA, J.]**

*bsb/Jan.22*