

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

WRIT PETITION NO. 1104 OF 2022

Arjun Anandrao Sidhemod .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Mr. Chandrakant R. Thorat, Advocate for the Petitioner.

Mr. S. K. Tambe, AGP for Respondent Nos. 1, 2 & 5.

Mr. Anandsingh Bayas, Advocate for Respondent No. 3.

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

DATED : 10th FEBRUARY 2022.

PER COURT:-

. The tribe claim of the petitioner as belonging to “Mannervarlu” (Scheduled Tribe) is invalidated.

2. Mr. Thorat, learned counsel for the petitioner submits that the real brother of the petitioner namely Ganesh has been issued with the validity certificate of “Mannervarlu” (Scheduled Tribe). Detail vigilance was conducted and all the documents from the year 1966 were considered while granting validity to him. The learned counsel submits that Ananda is the father of the present petitioner. His school record of the first standard records tribe as “Mannervarlu”. The same was verified by the vigilance in the proceedings of the real brother of the

petitioner namely Ganesh. Now, the present vigilance takes other view saying that they could not find that entry. The learned counsel further submits that the entry of the year 1991 referred to in case of Ananda is of his service book and not the school record. In the school record of the fifth standard the entry is claimed to be of “Munnurwad”, however earlier entry is of “Mannervarlu” as is confirmed by the vigilance in case of real brother of the petitioner. The school record of real uncles of the petitioner namely Sainath and Digambar records tribe as “Mannervarlu”. The learned counsel relies on the judgment of the Division Bench of this Court in case of **Apoorva D/o Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1 and Ors.** reported in **2010 (6) Mh.L.J. 401.**

3. The learned A.G.P submits that the brother of the petitioner was given the benefit of validity granted to a person who was not related to the petitioner on the paternal side. In the present matter, minute vigilance has been conducted. While granting validity to Ganesh – real brother of the petitioner the vigilance was not conducted minutely. The contra entries have been considered.

4. We have considered the submissions canvassed by the learned counsel for respective parties.

5. It is not disputed by the respondents that real brother of the petitioner namely Ganesh s/o Anandrao is issued with the validity certificate of “Mannervarlu” (Scheduled Tribe). Vigilance was conducted while issuing validity certificate to Ganesh. The school records of Ananda s/o Vitthal, Digambar s/o Vitthal, Sainath s/o Vitthal, Baburao s/o Vitthal, Savita d/o Anandrao, Arjun s/o Anandrao and Ganesh s/o Anandrao were all considered. The entry in the school record of Ananda at Sr. No. 1105 dated 16.07.1973 was also verified and vigilance therein found the entry of tribe recorded as “Mannervarlu”. In the present case, the entry of Ananda dated 21.06.1977 is shown to have been recorded as contra, however entry of the year 1973 is not considered. There are two contrary vigilance report in case of real brother of the petitioner and in the present matter.

6. In view of the vigilance conducted in the case of real brother of the petitioner and validity issued to him, so also majority of the entries relied were subject matter of consideration and that show cause notice issued to real brother of the petitioner, we pass the following order.

7. The committee shall issue validity certificate to the petitioner of “Mannervarlu” (Scheduled Tribe). The said validity certificate shall be subject to the decision that would be taken by the committee in the

proceedings reopened of the validity holders relied by the petitioner.

8. Writ petition is disposed of. No costs.

(S. G. DIGE)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

PS.B.