

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

WRIT PETITION NO. 1523 OF 2022

Yogesh Shivaji Gopulwad

.. Petitioner

Versus

The State of Maharashtra and another

.. Respondents

Mr. R. K. Mendadkar, Advocate h/f Mr. Sagar S. Phatale, Advocate for the Petitioner.

Mr. S. B. Yawalkar, Addl. G. P. for Respondent Nos. 1 and 2.

**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. Amongst other submissions, one of the submission of the learned counsel for the petitioner is that first paternal cousin of the petitioner namely Vinayak Hanmantrao Gopulwad had also applied for the issuance of validity certificate of “Mannervarlu” (Scheduled Tribe). His claim was invalidated. He filed Writ Petition No. 10557 of 2019. This Court under order dated 05.09.2019 directed the committee to issue validity certificate to him.

3. The learned Addl. G. P. submits that there are contra evidence on record. There are old documents which were not considered and the old document of the year 1952 in the name of the great grandfather of the petitioner i.e. the revenue record was filed along with reply as such, vigilance could not be conducted.

4. We asked the learned Addl. G. P. as to whether the relationship of the present petitioner with Vinayak Hanmantrao Gopulwad that of paternal cousin is disputed. The learned Addl. G. P. accepts the relationship of the present petitioner with Vinayak Hanmantrao Gopulwad. Vinayk Hanmantrao Gopulwad appears to be the son of real paternal uncle of the petitioner.

5. In view of the above, we follow the same course as adopted under order dated 05.09.2019 in Writ Petition No. 10557 of 2019 filed by Vinayak Hanmantrao Gopulwad and pass the following order.

6. 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.

7. Writ petition is disposed of. No costs.

(S. G. DIGE)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

RS.B.