

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1045 WRIT PETITION NO. 1295 OF 2022
WITH
CIVIL APPLICATION NO. 1201 OF 2022
IN
WRIT PETITION NO. 1295 OF 2022

ANKITA POTANNA LAKHMAWAD
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS

...
Advocate for Petitioner : Mr. Madhur A. Golegaonkar
AGP for Respondent Nos 1 to 3 : Mr. S.P. Tiwari
...

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

DATE : 17th FEBRUARY, 2022

PER COURT :-

1. The tribe claim of the petitioner as belonging to 'Mannervarlu', Scheduled Tribe is invalidated.
2. Mr. Golegaonkar, the learned counsel for the petitioner submits that father of the petitioner is issued with validity certificate of 'Mannervarlu' Scheduled Tribe. Two paternal cousins of the petitioner, namely, Shriniwas and Laxmi are issued with validity certificate of 'Mannervarlu'. The detail vigilance was conducted while issuing validity to them. The school entry of Dharmanna Devanna was verified by the Vigilance and in the school admission record at Serial No. 54 against Dharmanna Devanna the caste is recorded as 'Munurwad'. The learned counsel submits that oldest entry of the year 1951, in the school record of grandfather of petitioner, namely, Poshetti Potanna records caste as 'Munnervarlu', the same is not disputed by the Vigilance or the Committee. The said entry is clear entry and no interpolation is found

by the Committee also. The school entry in the case of cousin uncle of the petitioner was of the year 1975 and his caste is recorded as 'Manarvarlu'. The entry in the school record of the father of the petitioner is of 1988 and his caste is recorded as 'Mannervarlu'.

3. The learned AGP submits that in the case of Dharmanna Devanna school entry at serial No 54, his caste is recorded as 'Munnurwad'. The vigilance has verified the same. So also, there are contra entries also. The petitioner failed in the affinity test.

4. The school entry of Dharmmana Devanna at serial No. 54 was verified by the vigilance in the case of Shriniwas while issuing validity. The vigilance found the said entry to be Munnurwad. So far as other entries in the school record of the father of the petitioner is of the year 1988 and grandfather of the petitioner is of the year 1951 record caste as 'Mannervarlu'. The entry of the paternal aunt of the petitioner is of the year 1991 records caste as 'Mannervarlu'. No interpolation is found in the same. The learned counsel for the petitioner relies on the judgment of the Division Bench of this Court in case of *Apoorva d/o Vinay Nichale Versus Divisional Caste Certificate Scrutiny Committee and others* reported in *2010 (6) Mh.L.J. 401* and submits that validity is issued to paternal relatives is a relevant fact.

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

ORDER

- (i) The Committee shall issue the validity certificate to the petitioner of 'Mannervarlu', Scheduled Tribe
- (ii) The said validity 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.

6. Writ Petition is accordingly disposed of. No costs.

7. In view of disposal of writ petition, civil application for
intervention is disposed of.

(S.G. DIGE)
JUDGE

(S.V. GANGAPURWALA)
JUDGE

mtk