

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

**960 WRIT PETITION NO.1785 OF 2022
WITH
CIVIL APPLICATION STAMP NO.3932 OF 2022**

**SAHIL VITTHAL PUJARWAD
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

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Advocate for Petitioner: Mr. Thorat Chandrakant R.
AGP for Respondents: Mr. P. S. Patil

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CORAM:	S. V. GANGAPURWALA & S. G. DIGE, JJ.
DATE:	08th FEBRUARY, 2022

PER COURT:

1. The caste claim of the petitioners as Mannervarlu (Scheduled Tribe) is invalidated.

2. Mr. Thorat, the learned counsel submits that the father of the petitioner Vitthal, real uncle of the petitioner Gangadhar, real paternal aunt of the petitioner Sunita, real sister of the petitioner Neha have been issued with the validity certificate of Mannervarlu (S.T.) after conducting the vigilance. All the documents which

were part of record for the present proceeding were also subject matter for consideration for the validation proceedings of the persons to whom validity has been issued.

3. According to the learned counsel in the school record of the father of the petitioner nowhere the caste was recorded as Mannervarlu. The same has been corrected as Mannervarlu by following due procedure. The said entry was also subject matter while issuing validity certificates to these persons. According to the learned counsel the committee has committed a grave error by rejecting proceeding of the petitioners.

4. The learned Counsel further submits that the caste claim of the real sisters of the Petitioner namely Shital and Rani were already invalidated. They had filed Writ Petition No.832 of 2019 and Writ Petition No. 436 of 2019. This Court under

the Judgment and order dated 17.07.2019 directed to issue validity certificate to them.

5. Mr.Patil, learned Additional Government Pleader submits that the original record of the petitioner's father depicts caste as Munnerwar. The same has been corrected. That correction carries no meaning. According to the learned Addl. Govt. Pleader, the original record cannot be corrected upon the order of the Education Officer. It is only the scrutiny committee which can deal with the said entries. The learned Addl.Govt.Pleader further submits that the petitioner also could not prove affinity test. Show cause notices have been issued to all the validity holders whose validity is relied by the petitioner.

6. We have considered the submissions, so also have gone through judgment and record.

7. It is not disputed that the father of the petitioner, real uncle of the petitioner, real aunt of the petitioner and real sister of the petitioner are issued with the validity certificates of Mannervarlu (S.T.). It also appears that the record in respect of father of the petitioner wherein the entry is corrected as Mannervarlu from Munnerwar was before the committee in those validation proceedings also. The same has been considered by the committee while issuing validity certificates to all these persons. It cannot be said that there was a suppression of facts while granting earlier validity certificates.

8. The relationship of the present Petitioner with Shital and Rani is not disputed. They have been issued with the validity certificates under the orders of this Court.

9. Considering the fact that the validity certificates are granted to the father, real

uncle, real paternal aunt and real sister of the petitioner, after considering all these documents and after conduct of vigilance, we pass the following order.

10. The impugned order of the committee is quashed and set aside. The committee shall issue validity certificates to the petitioner of Mannervarlu, Scheduled Tribe immediately. The said validity certificate shall be subject to the decision that would be taken by the committee in proceedings reopened of the validity holders relied by the petitioner.

11. The Writ Petition accordingly stands disposed of. No costs.

12. In view of disposal of the Writ Petition, the Civil Application also stands disposed of.

[S. G. DIGE, J.]

[S. V. GANGAPURWALA, J.]

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