

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

917 WRIT PETITION NO. 71 OF 2022

MADHURA NAGESH BONDLE
VERSUS
THE STATE OF MAHARASHTRA & OTHERS

...
Advocate for the petitioner : Mr.S.M.Vibhute
AGP for Respondent-State : Mr.S.K.Tambe
Advocate for respondent no.3 : Mr.M.D.Narwadkar

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

DATE : 05.01.2022

P.C. :

1] Caste claim of the petitioner as belonging to 'Mannervarlu' Scheduled Tribe is invalidated.

2] Mr.Vibhute, learned counsel for the petitioner submits that father of the petitioner is issued with the validity certificate. Manisha Mohanrao Bondle, who is the daughter of the first paternal cousin of the petitioner, is issued with validity certificate in the family. In her case, the detail vigilance is conducted. Even some of the contra entries were subject matter of consideration while issuing the validity to Manisha. Contra entries in case of Gangabai were also considered. There are about 10 validities issued to the paternal relatives of the petitioner including father, cousin sister and cousin uncle.

3] Mr.S.K.Tambe, learned AGP submits that there are *contra* entries and same were not considered while issuing validity to the father of the petitioner and also other paternal relatives. The petitioner has failed in the affinity test. The Committee has decided to issue show cause notice to the relatives of the petitioner.

4] It is not disputed that father of the petitioner Nagesh is issued with the validity certificate of Mannervarlu Scheduled Tribe in the year 2009. Manisha is the daughter of the first paternal cousin of the petitioner. In her case, vigilance report was submitted wherein contra entry of Gangabai was also on record. There are other contra entries and thereafter validity was issued. Even son of real uncle of the petitioner is issued with the validity certificate, namely, Giridhar Madhavrao.

5] In view of above, we pass the following order:

ORDER

i] The Committee shall issue validity certificate to the petitioner of 'Mannervarlu' Scheduled Tribe immediately.

ii] The said validity certificate shall be subject to decision that would be taken by the Committee in the

proceedings re-opened of the validity holders relied by the petitioner.

iii] Writ Petition is disposed of. No costs.

[S.G.DIGE, J.]

[S.V.GANGAPURWALA, J.]

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