

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

WRIT PETITION NO. 273 OF 2022

Atharva Nagesh Lakhmawar

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Mr. Sunil M. Vibhute, Advocate for the Petitioner.

Mr. S. K. Tambe, AGP for Respondents/State.

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

DATED : 06th JANUARY, 2022.

PER COURT:-

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

2. The learned counsel for the petitioner submits that father of the petitioner had applied for validation of the tribe claim. The same was invalidated. He filed Writ Petition No. 1940 of 1990 before this Court. The Division Bench of this Court under order dated 06.03.1991 allowed the writ petition and directed the committee to issue validity certificate to him. Similarly, real uncle of the petitioner namely Shyam had also applied for the validity certificate. The same was invalidated. He filed Writ Petition No. 2079 of 1993 before this Court. The Division Bench

of this Court under order dated 26.07.1993 allowed the writ petition and directed the committee to issue validity certificate to him. Thereafter, the paternal relatives of the petitioner are issued with the validity certificates by the committee. According to the learned counsel, contra entries which the committee relies upon were also subject matter of consideration in the earlier proceedings. According to the learned counsel, validity certificates issued to the near relatives is a relevant fact. The learned counsel relies on the judgment of the Division Bench of this Court in a 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. Mr. Tambe, learned A.G.P submits that the judgments of this Court in case of father of the petitioner and real uncle of the petitioner are before the judgment of the Apex Court in case of Madhuri Patil. The show cause notices are issued to the son and daughter of real uncle of the petitioner. There are contra entries on record. The same have been considered by the committee.

4. The relationship of the petitioner with the validity holders is not disputed. The father of the petitioner is issued with the validity certificate under the orders of this Court dated 06.03.1991 in Writ Petition No. 1940 of 1990. One real uncle of the petitioner namely

Shyam is issued with the validity certificate under the orders of this Court dated 26.07.1993 in Writ Petition No. 2079 of 1993. Another real uncle of the petitioner namely Kisan is issued with the validity certificate by the committee. Son namely Pratik and daughter namely Neha of real uncle of the petitioner namely Kishan are issued with the validity certificates by the committee. Two sons and one daughter of another real uncle of the petitioner namely Narayan are also issued with the validity certificates by the committee.

5. The validity issued to the near relative is a relevant fact. It is submitted that some of the contra entries were subject matter while granting validity to the father of the petitioner and other paternal relatives.

6. In the light of the judgment delivered by this Court in case of father of the petitioner and real uncle of the petitioner, we pass the following order.

7. The committee shall issue validity certificate to the petitioner of “Mannervarlu” (Scheduled Tribe).

8. In case, the proceedings are reopened of the validity holders relied by the petitioner including judgment of this Court in case of

father of the petitioner and real uncle of the petitioner, then the same would be subject to the decision that may be taken by the committee in validation proceedings reopened of the validity holders relied by the petitioner.

9. Writ petition is disposed of. No costs.

(S. G. DIGE)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

P.S.B.