

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

WRIT PETITION NO.1994 OF 2023

**GAYATRI BHUJANG KUNJARWAD THROUGH NATURAL
GUARDIAN FATHER BHUJANG MOHANRAO
KUNJARWAD**

VERSUS

SUB DIVISIONAL OFFICER AND ANOTHER

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Advocate for the Petitioner : Shri Phatale Sagar S.
AGP for Respondents 1 and 2/State : Shri S.K. Tambe

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**CORAM : RAVINDRA V. GHUGE
&
SANJAY A. DESHMUKH, JJ.**

DATE :- 22nd February, 2023

Per Court :-

1. The petitioner is aggrieved that the Sub Divisional Officer as well as the competent committee have declined to issue the “Mannervarlu”, Scheduled Tribe certificate, when her biological sister Samruddhi and her biological paternal uncle Raju have received such certificates.

2. The learned AGP has strenuously supported the orders passed by the Sub Divisional Officer and the committee. He draws our attention to the conclusion of the committee that old records of ancestors of the petitioner on the paternal side,

carry a different social status.

3. We are of the view that when the petitioner has placed before the competent authority, the “Mannervarlu”, Scheduled Tribe, certificates received by her biological sister and her biological paternal uncle, as well as, the cousin paternal grandfather, namely, Gangaram, the committee can issue such a certificate, save and except, if the records are a result of any fraud or manipulation. When the biological sister and biological uncle have been granted such certificates, the issuance of the certificate in favour of the petitioner, need not be withheld.

4. In view of the above, **this Writ Petition is partly allowed**. The impugned orders are quashed and set aside. The Sub Divisional Officer, Hadgaon, shall issue the “Mannervarlu”, Scheduled Tribe certificate to the petitioner within 21 (twenty one) days from today.

5. Needless to state, this order would not create any equities in favour of the petitioner or her biological sister or any relative with regard to the claim for seeking a validity certificate. If such a proposal is tendered by anyone, the same would be considered independently and on its own merits since the petitioner has made a statement that none of the paternal blood

relatives have a validity certificate.

kps (SANJAY A. DESHMUKH, J.) (RAVINDRA V. GHUGE, J.)