

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

WRIT PETITION NO. 14062 OF 2021

Parth Sanjay Gopwad .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri A. S. Golegaonkar, Advocate h/f Shri M. A. Golegaonkar,
Advocate for the Petitioner.

Shri P. K. Lakhotiya, A.G.P. for Respondent Nos. 1 to 3.

AND

WRIT PETITION NO. 14063 OF 2021

Anikt Laxmikant Gopwad and another .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Shri A. S. Golegaonkar, Advocate h/f Shri M. A. Golegaonkar,
Advocate for the Petitioner.

Shri P. K. Lakhotiya, A.G.P. for Respondent Nos. 1 to 4.

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

DATE : 17TH DECEMBER, 2021.

FINAL ORDER :

. Heard the learned advocate for petitioners and the learned
Assistant Government Pleader for respondents/State.

2. The caste claims of the petitioners as belonging to

“Mannervarlu” (Scheduled Tribe) are invalidated.

3. It is contended by the learned advocate for petitioners that, seven validities are issued in the family of the petitioners. The real sister of the petitioner in Writ Petition No. 14062 of 2021 is issued with the validity certificate under orders of this Court in Writ Petition No. 10295 of 2017 at the Principal Seat at Bombay under order dated September 28, 2017. The learned counsel submits that, all the entries which are subject matter of consideration in the present writ petitions were subject matter of consideration in the case of real sister of the petitioner in Writ Petition No. 14062 of 2021 and cousin of the petitioner in Writ Petition No. 14063 of 2021. Vigilance was conducted. The said entries were considered threadbare.

4. Mr. Lakhotiya, the learned Assistant Government Pleader for respondents/State submits that, the contra entries of the year 1967, 1971, 1973 were not considered when earlier validities were issued. It is submitted that, in the case of Datta Maruti, the photo copy clearly shows that the entry of caste is interpolated. The word ‘lu’ has been added subsequently. In the case of paternal aunts of the petitioners namely Shobhabai and Shantabai, the school record demonstrate that the caste is recorded as Munnur. Even in case of grandfather namely Narsing Jayram, the caste Munarvarlu is recorded in the different ink. So also in the school record of another grandfather namely Hanmant Jayram the word ‘lu’ seems to be added

subsequently. All these entries were not subject matter of consideration when the earlier validities were granted.

5. Though, this Court at the Principal Seat at Bombay has directed issuance of validity to real sister of the petitioner in Writ Petition No. 14062 of 2021 namely Sanjana Gopwad in Writ Petition No. 10295 of 2017, same was without considering any document and it was only on the basis of judgment in other cases wherein it was held that Manneru is not caste, then the same was considered as Mannervarlu. As no documents were considered in the said case that judgment may not be a precedent.

6. We have considered the submissions canvassed by the learned counsel for respective parties.

7. Following persons in the family of the petitioner are issued with the validity certificates.

Sr. No.	Name	Relation	Date of CVC
01.	Sanjay Hanmantrao	Father	13.04.2006
02.	Vijay Hanmantrao	Real Uncle	07.10.2005
03.	Sanjana D/o Sanjay	Sister of petitioner in W. P. No. 14062/2021	17.10.2017
04.	Laxmikant S/o Narsing	Cousin Uncle	07.11.2007
05.	Sunil S/o Narsing	Cousin Uncle	07.11.2007

06.	Sahebrao S/o Narsing	Cousin Uncle	07.10.2005
07.	Shobabai D/o Narsing	Cousin Paternal Aunt	07.10.2008

8. The real sister of the petitioner of Writ Petition No. 14062 of 2021 had also applied for validity certificate. The same was invalidated. She filed Writ Petition No. 10295 of 2017 before the Division Bench of this Court at Principal Seat at Bombay. The Division Bench of this Court at Principal Seat at Bombay under judgment and order dated September 28, 2017 allowed the writ petition and directed the Committee to issue validity certificate to her. It appears that, all the documents were not discussed while delivering said judgment. The said judgment still holds the field. It also appears that vigilance was conducted when the real uncle of the petitioners namely Vijay Gopwad was issued with the validity certificate. So also vigilance was conducted when Sahebrao Gopwad was issued with the validity.

9. It is submitted that, show cause notices are issued to the validity holders relied by the petitioners and respondents are taking up process of filing review of the judgment dated September 28, 2017 passed in Writ Petition No. 10295 of 2017 by the Division Bench of this Court at Principal seat at Bombay.

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

11. The respondent/Scrutiny Committee shall issue validity certificate to petitioners as belonging to “Mannervarlu”

(Scheduled Tribe). The said validity certificates shall be subject to the decision that would be taken by the committee in the reopened proceedings of the validity holders relied by the petitioners and in the case judgment dated September 28, 2017 in Writ Petition No. 10295 of 2017 at the Principal Seat at Bombay is reviewed.

12. The writ petitions accordingly are disposed of. No costs.

[S. G. DIGE, J.]

[S. V. GANGAPURWALA, J.]

bsb/Dec.21