

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

WRIT PETITION NO. 2080 OF 2020

Pramod Namdeo Govindwar .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Chandrakant R. Thorat, Advocate for the Petitioner.
Shri K. N. Lokhande, A.G.P. for Respondent Nos. 1 and 2.
The Respondent Nos. 3 and 4 are served.

**CORAM : S. V. GANGAPURWALA AND
R. G. AVACHAT, JJ.
DATE : 12TH MARCH, 2021.**

FINAL ORDER :

. The tribe claim of the petitioner as belonging to 'Mannervarlu' (Scheduled Tribe) is invalidated. Amongst various submissions canvassed, one of the submission made by the learned advocate for the petitioner is that, the Committee had earlier invalidated the tribe claim of the real brother of the petitioner namely Pradeep Namdev Govindwar and he had had filed Writ Petition No. 10376 of 2017 before the Principal Seat of this Court at Bombay. The Division Bench of this Court at the Principal Seat at Bombay on 04th October, 2017 allowed the said writ petition and set aside the judgment of the scrutiny committee and directed the committee to issue validity certificate to Pradeep Namdev Govindwar.

2. The learned Assistant Government Pleader submits that, in the case of Pradeep Namdev Govindwar, the invalidation of the tribe claim of uncle of the petitioner namely Gangadhar Shankarrao was not brought to the notice. Other aspects are also relevant. The entries in the school record of the relatives of the petitioner are interpolated. The petitioner has failed in the affinity test also.

3. In case of Pradeep Namdev Govindwar, the fact of invalidation of Gangadhar Shankarrao in the year 1995 was before the Committee. On that basis it was invalidated. The Division Bench of this Court at its Principal Seat at Bombay allowed the writ petition filed by Pradeep Govindwar. The judgment of the Division Bench of this Court at its Principal seat at Bombay in the case of Pradeep Govindwar holds the field. The real brother of the petitioner is held eligible for the validity certificate of Mannervarlu (Scheduled Tribe). The different view would not be possible as the judgment in the case of Pradeep Namdev Govindwar holds the field.

4. The learned A. G. P. submits that, the committee is contemplating filing of review before the Principal seat of this Court at Bombay of the judgment and order dated 04th October, 2017 in Writ Petition No. 10376 of 2017 filed by the brother of the petitioner namely Pradeep.

5. In case, the committee files a review before the Principal

Seat of this Court at Bombay seeking review of the order dated 04th October, 2017 in Writ Petition No. 10376 of 2017 and the review is allowed, then the Committee may take steps in respect of present matter also.

6. For the reasons recorded in the judgment and order dated 04th October, 2017 in Writ Petition No. 10376 of 2017 filed by the real brother of the petitioner, we allow the present writ petition. The committee shall issue validity certificate to the petitioner of Mannervarlu (Scheduled Tribe) immediately.

7. In the light of the above, the writ petition is disposed of. No costs.

[R. G. AVACHAT, J.]

[S. V. GANGAPURWALA, J.]

bsb/March 21