



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10495 OF 2017

Vidya Rajesh Golkondawar

... Petitioner

Versus

The State of Maharashtra and Ors.

... Respondents

Mr. S.B. Talekar a/w Ms. Madhavi Ayyappan i/by M/s. Talekar and Associates for the Petitioner.

Mr. A.A. Kumbhakoni, Advocate General a/w Mr. Akshay Shinde, Special Counsel a/w Ashutosh Gavnekar, Special Counsel a/w Mr. Sandeep Babar, AGP for the Respondent State.

**CORAM : SHANTANU KEMKAR &
G.S.KULKARNI, JJ.
OCTOBER 03, 2017**

P.C.:

Rule. By consent rule is made returnable forthwith. Heard parties.

2. Challenging the order dated 1.9.2017 passed by the second respondent Scheduled Tribes Scrutiny Committee, Aurangabad whereby the petitioner's claim for validation of her caste certificate as "mannervarlu" has been rejected, the Petitioner has filed this petition.

3. According to the petitioner, in support of her caste validity claim, she had submitted as many as 23 documents out of which one of the document was caste validity certificate of her father

Rajesh Laxman issued by the Committee on 3.11.2010. The caste Scrutiny Committee after getting vigilance cell report, on the basis of the entry in the school leaving Certificate of petitioner's father in which there was recording of "mannervarlu" after scoring "mannerwar", rejected the petitioner's caste claim.

4. Learned counsel for the petitioner submits that the petitioner's father was granted caste validity certificate after due vigilance enquiry taking into consideration the first standard school admission register of her father in which the caste of the petitioner's father was mentioned as "mannerwarlu" and in the circumstances, merely on the basis of a stray entry in the 5th standard school leaving certificate purported to be interpolation, petitioner cannot be deprived of the caste validity certificate. Significantly the Committee had also observed that in the school documents of the petitioner's real brother Gajanan, his caste is "mannervarlu". However, the Committee rejected the petitioner's claim.

5. Having considered the submissions made by the learned counsel for the parties and having gone through the record produced before us, we are of the view that since the petitioner's father was already granted validity certificate after due vigilance enquiry, the petitioner's case is squarely covered by the judgment of this court in the case of Apoorva Vinay Nichale v/s

Divisional Caste Certificate Scrutiny Committee No.1 and others,

reported in¹. Merely on the basis of the stray entry in the 5th standard school leaving certificate of the petitioner's father, the validity certificate which was already granted to the petitioner's father could not have been discarded by the committee.

6. In the result, petition is allowed. The impugned order passed by the Caste Scrutiny Committee is set aside. The Caste Scrutiny Committee is directed to issue caste validity certificate to the petitioner on the basis of authenticated copy of this order.

(G.S. KULKARNI, J.)

(SHANTANU S. KEMKAR, J.)

¹ 2010(6) Mh.L.J. 401