

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

WRIT PETITION NO. 10208 OF 2012

SANGITA MOHAN RAUT
VERSUS
SCHEDULED TRIBES CERTIFICATE SCRUTINY COMMITTEE NASHIK
THROUGH VICE CHAIRMAN NASHIK

...

Advocate for Petitioner : Mr. Kulkarni Suresh M.

AGP for Respondent/ State : Mrs.S.A.Dhumal.

Advocate for Respondent : Mr.K.D.Bade Patil.

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CORAM : **S. V. GANGAPURWALA and
V. L. ACHLIYA, JJ.**

DATE : 17th February, 2015.

P.C.:

. Mr.Kulkarni, learned counsel for the Petitioner submits that the Petitioner had produced on record the validity certificate issued in favour of close relative of the Petitioner i.e. real paternal cousin. However, the same has been negated without assigning any proper reason. The school record of the Petitioner also shows the caste as "Mahadeo Koli". However, the same has not been considered. The learned counsel submits that in the writ petition the validity certificates in favour of other paternal cousins of the Petitioner is placed on record. Considering the same evidence, validity is issued to them, which is annexed at page Nos.38 to 41. According to the learned counsel, the same is required to be considered by the Committee.

2 Mr.Bade Patil, learned counsel for the Respondent – Committee submits that the old record of the Petitioner shows the caste as "Koli" and not "Koli Mahadeo". The Committee has rightly considered the said aspect. The Committee has discussed in detail the validity issued in

favour of the relatives of the Petitioner and so also the documentary evidence on record and after considering the documentary evidence on record so also the vigilance, the Committee has rightly arrived at the conclusion. No interference is required in the order passed by the Committee.

3 We have considered the submissions canvassed by the learned counsel for respective parties. It is a fact that the validity certificates issued in favour of some of paternal cousins of the Petitioner annexed from page Nos.38 to 41, were not before the Committee, there the validity is issued in the years 2006, 1998, 2001 and 2004. Some of the validities are issued after the vigilance is made compulsory.

4 An opportunity can be given to the Petitioner to produce the said certificates before the Committee for re-consideration of the same.

5 It is seen that the tribe certificate is in the caste name as "Mahadeo Koli". In fact, now, it is clear that in the Presidential Order, the said caste is mentioned as "Koli Mahadeo". The certificate of "Koli Mahadeo" will have to be obtained by the Petitioner and then the same will have to be re-submitted to the Committee.

6 In light of the above, we pass the following order:

- I. The impugned order passed by the Committee, is quashed and set aside.
- II. The Petitioner shall obtain the original tribe certificate of the Petitioner as "Mahadeo Koli" from the Committee and submit it to the Sub-Divisional Officer, Karjat.
- III. The Sub-Divisional Officer, Karjat, District

Ahmednagar, shall issue tribe certificate to the Petitioner of "Koli Mahadeo" Scheduled Tribe.

- IV. The Petitioner shall, thereafter, submit the said tribe certificate to the Committee, who shall decide the validation proceedings in respect of the said tribe certificate, afresh, expeditiously.
- V. On deposit of the original tribe certificate of "Mahadeo Koli", the Sub-Divisional Officer shall within a period of 15 (fifteen) days of the deposit of the said tribe certificate, issue the tribe certificate of the caste "Koli Mahadeo" Scheduled Tribe.
- VI. Accordingly, the writ petition is disposed of with aforesaid observations and directions. No costs.

[V. L. ACHLIYA, J.]

[S. V. GANGAPURWALA, J.]

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