

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

WRIT PETITION NO.2336 OF 2000

Jyoti d/o Sadhuraao Niralwad  
Age 19 years, Occ. Student  
R/o C/o P.G. Boinwad - Talathi  
Shri Pailwad's Bungalow,  
Opp. Janabai College, Gangakhed,  
District Parbhani

... PETITIONER

VERSUS

1. The State of Maharashtra  
(through the Govt. Pleader,  
High Court Building,  
at Aurangabad)
2. The Caste Certificate Verification  
Committee, M.S., Nasik
3. The Sub Divisional Magistrate,  
Sailu, District Parbhani.
4. The Director of Medical Education  
& Research, Mumbai
5. Swami Ramanand Teerth  
Marathwada University,  
Vishnupuri, Nanded,  
through its Registrar
6. The Dean,  
Govt. Medical College,  
Ambajogai

... RESPONDENTS

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Shri A.S. Golegaonkar, Advocate for petitioner  
Shri A.M. Phule, A.G.P. for State  
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**W I T H**

**WRIT PETITION NO.2337 OF 2000**

Shivaji s/o Sadhuraao Niralwad  
Age 17 years (minor), Occ. Student  
through his father and natural guardian  
Sadhuraao Ramrao Niralwad  
R/o C/o P.G. Boinwad - Talathi  
Shri Pailwad's Bungalow,  
Opp. Janabai College, Gangakhed,  
District Parbhani

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**VERSUS**

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Committee, M.S., Nasik
3. The Sub Divisional Magistrate,  
Sailu, District Parbhani.
4. The Director of Technical Education  
3, Mahanagarpalika Marg,  
Mumbai.
5. The SGGS College of Engineering &  
Technology, Nanded,  
through its Registrar.
6. The Principal,  
Mahatma Basweshwar Engineering  
College, Ambajogai

... RESPONDENTS

.....  
Shri A.S. Golegaonkar, Advocate for petitioner  
Shri A.M. Phule, A.G.P. for State  
.....

CORAM:    S.V. GANGAPURWALA AND  
                  A.I.S. CHEEMA, JJ.

DATED:    14th March, 2016.

ORAL JUDGMENT (PER S.V. GANGAPURWALA, J.):

1.            The tribe claim of the petitioners as belonging to Koli Mahadeo - Scheduled Tribe has been invalidated. Aggrieved thereby the present petitions.

2.            Mr. Golegaonkar, learned counsel for the petitioners submits that, the father of the petitioners was issued validity pursuant to the order passed by the appellate authority way back in the year 1993. The Committee failed to consider the service book of the petitioners' father, which records caste as Mahadeo Koli. According to the learned counsel, school record of the petitioners record their caste as Mahadeo Koli. Only one contra evidence is considered by the respondent Committee i.e. the school record of the petitioners' father recording caste as Koli. The learned counsel submits that, subsequent to filing of present petitions, three sisters of the petitioners have been issued validity certificates. The learned counsel submits that, observations of the Committee in the judgment with regard to the area restriction is erroneous in view of the judgment of the

Apex Court in the case of **R. Unnikrishnan & anr. Vs. V.K. Mahanudevan & ors.,** reported in **2014 (4) SCC 434.**

3. The learned A.G.P. submits that, the Committee has considered contra evidence on record and has rightly passed the judgment. The school record of the father of petitioners shows caste being recorded as "Koli" only. There is interpolation in the service book of petitioners' father. The word "Mahadeo" appears in a different ink. All these aspects are rightly considered.

4. We have considered the submissions canvassed by the learned counsel for respective parties. The petitioners have sought to place on record the validity certificates said to have been issued in favour of the sisters of the present petitioners. They are also photo copies. It is also not on record as to what was considered by the Committee while issuing validity certificates in favour of the sisters of the petitioners. It is also not clear as to whether the invalidation of the tribe claim of the petitioners was brought to the notice of the Committee while validating the tribe claim of the sisters of the petitioners subsequently. It will be for the Committee to consider all these relevant aspects of the matter. The Committee would have all the documents with them and enquiry can be made in this

regard.

5. Considering the above, we feel it appropriate to relegate the petitioners before the Committee. In the result, we pass the following order:

6. The impugned orders are quashed and set aside. The petitioners are relegated before the Committee. The petitioners shall appear before the Committee on 11th April 2016. The petitioners may place on record the validity certificates issued in favour of the sisters of the petitioners. The Committee shall consider the said certificates and the record submitted while obtaining the validity certificates in favour of sisters of the petitioners and decide the case of the present petitioners on its own merits in accordance with law expeditiously, considering the fact that the matter is remitted back.

7. Writ Petition accordingly disposed of. Rule accordingly disposed of. No costs.

(A.I.S. CHEEMA, J.)

( S.V. GANGAPURWALA, J.)