

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO. 4087 OF 2002**

**VINAYAK GOPALA SOPKAL
VERSUS
THE STATE OF MAH. & ORS.**

**...
Advocate for Petitioner : Vivek Dhage
AGP for Respondents 1 to 4: Mr.S.B.Pulkundwar**

**...
CORAM : S.V.GANGAPURWALA &
MANGESH S. PATIL,JJ.**

DATE : 22/09/2017

PER COURT :-

The tribe claim of the petitioner as belonging to Koli Malhar (Scheduled Tribe) has been invalidated. Aggrieved thereby, the present Petition.

2] Apart from the other contentions, Mr.Dhage, learned counsel submits that during the pendency of the Writ Petition, the two sons of real brother of the petitioner Manik have been issued with the validity certificates. So also the daughter of the real brother of the petitioner Kaduba has been issued with the validity certificate of Koli Malhar S.T. The learned counsel submits that when the close paternal relatives of the petitioner has been issued with the validity certificates, the petitioner is required to be issued with the validity certificate.

3] We have heard learned AGP.

4] From the genealogy produced on record, it appears that Manik is the brother of applicant and two sons of Manik viz. Amol and

Vishal have been issued with the validity certificates in the years 2008-2011, whereas daughter of Kaduba real brother of the petitioner has been issued with the validity certificate in the year 2010. Naturally the said validity certificates would be relevant. The committee will have to consider the evidence, which was considered while validating tribe claim of these persons.

5] Considering the subsequent developments that have taken place, it would be appropriate to remit the matter to the committee for fresh decision, considering fresh evidence.

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

I] The impugned order is quashed and set aside. The parties are relegated before the Committee for decision afresh, on the proposal of the petitioner, for verification of his tribe claim.

II] The petitioner shall appear before the Committee on **12/10/2017**. The petitioner may produce on record additional evidence. The committee shall verify the genealogy. Considering the relevancy of the additional evidence produced, decide the tribe claim of the petitioner afresh on its own merits in accordance with law expeditiously preferably within eight months from the date of appearance of the petitioner. Rule accordingly made partly allowed. No costs.

(MANGESH S. PATIL,J.)

(S.V.GANGAPURWALA,J.)

umg/