

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

WRIT PETITION NO. 8919 OF 2018

Samruddhi Suryakant Rokade
U/g Vaishali Suryakant Rokade .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri S. M. Kulkarni, Advocate for the Petitioner.
Shri P. S. Patil, Addl.G.P. for Respondent Nos. 1 and 2.
Shri Sujeet G. Karlekar, Advocate for the Respondent No. 3.

**CORAM : S. V. GANGAPURWALA AND
SUNIL K. KOTWAL, JJ.
DATE : 03RD AUGUST, 2018.**

FINAL ORDER :

. Mr. Kulkarni, the learned advocate for the petitioner submits that, the caste claim of the petitioner as belonging to Koli Mahadev (Scheduled Tribe) was referred to the Committee. The same is invalidated.

2. The learned counsel for the petitioner submits that, the father of the petitioner has been issued with the validity certificate in the year 2010. The real sister of the petitioner Aishwarya Rokade is issued with the validity certificate of Koli Mahadev (S.T.). The real uncle of the petitioner is issued with

the validity certificate, so also first cousin of the petitioner and son of the real uncle Sachin is also issued with the validity certificates. The other cousins from the same family on the paternal side namely Pradip Kishor, Sandip Kishor, cousin sister Varsharani Kishor, so also Sagar Subhash and Abhijit Subhas have been issued with the validity certificates of the Koli Mahadev (S.T.) The validity is issued after conducting vigilance. The learned counsel submits that, the entire record shows the entry of Koli Mahadev (S.T.). The Committee has relied on only one entry of the cousin grandfather showing caste as Hindu Koli. The same was also considered and validity was issued in favour of the father of the petitioner.

3. Mr. Patil, the learned Additional Government Pleader submits that, the school record of the father, uncles of the petitioner have been subsequently corrected and word Mahadev or M has been inserted subsequently. The Head Master has also signed the same subsequently, so also oldest entry of Hindu Koli appears in the record of the cousin grandfather. Same will have more probative value. The learned Additional Government Pleader further submits that, considering above, the Committee has rightly passed the order. The learned Addl. G. P. further submits that, committee is also contemplating reopening the validation proceedings of the father of the petitioner and other validity holders.

4. We have considered the submissions canvassed by the learned counsel for respective parties.

5. It is not disputed that the father of the petitioner, real brother of the petitioner, real uncle of the petitioner and first cousins of the petitioner have been issued with the validity certificates. The same can be reproduced as under :

4.2 The tribe claim of applicant's father Suryakant Dattatraya Rokade, sister Asishwarya Suryakant Rokade, uncle Subhash Dattatraya Rokade, cousin brother Sachin Subhash Rokade, cousin Pradip Kishor Rokade, Sandip Kishor Rokade, cousin sister Varsharani Kishor Rokade, cousin Sagar Subhash Rokade and Abhijit Subhash Rokade have been validated by the Scrutiny Committee vide dated 10.8.2004, 17.03.2010, 24.12.2002, 01.01.2002, 04.09.2001, 26.12.2003, 26.12.2003, 05.08.2004 and 28.05.2009 respectively.

6. The record contains the entries of Mahadev Koli or M. Koli. Of course, the signature of the Head Master appears. There is nothing to show at present before us as to the manner of the said entries and who has done it.

7. In similar set of facts when the paternal relative is given validity certificate and committee was contemplating re-opening of the proceedings granting validity to them the Division Bench of this Court at the Principal Seat at Bombay in Writ Petition

No. 7500 of 2018 and many other writ petitions directed issuance of validity to the petitioners subject to the decision in the proceedings re-opened by the Committee of the validity holder relied by the petitioner.

8. Considering voluminous record with regard to validity certificates and considering the judgment and order dated July 23, 2018 passed by the Division Bench of this Court at its Principal Seat at Bombay in Writ Petition No. 7500 of 2018, we adopt the same course and direct the respondents to issue validity certificate to the petitioner of Koli Mahadev (S.T.) subject to the decision that may be taken in case proceedings of the validity holders relied upon by the petitioner are reopened.

9. In the light of the above, it would be appropriate to direct the respondent/Committee to issue validity certificate in favour of the petitioner of Koli Mahadev (S.T.). The same would be subject to decision in the proceeding that is reopened in respect of validity of the father of the petitioner. The respondent/Committee shall immediately issue the validity certificate to the petitioner of Koli Mahadev (Scheduled Tribe) considering the fact that, 04th August, 2018 is the last date for submission of validity certificate. The writ petition is disposed of. No costs.

10. With above said observations and directions we pass

following order.

11. Naturally, in case validity certificate of father is subsequently invalidated, the petitioner cannot claim any equity, nor would be entitled to protect the admission.

[SUNIL K. KOTWAL, J.]

[S. V. GANGAPURWALA, J.]

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