

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8925 OF 2018

Manasi Satish Gample .. **Petitioner**

Versus

The State of Maharashtra and others.. **Respondents**

Shri S. M. Vibhute, Advocate for the Petitioner.

Shri P. S. Patil, Addl. G. P. for Respondent / State.

Shri S. G. Karlekar, A.G.P. for Respondent No. 4.

CORAM: S. V. GANGAPURWALA &
SUNIL K. KOTWAL, JJ.

DATE: 3rd August, 2018

ORDER :

1. The caste claim of the petitioner as 'Koli Mahadev', Scheduled Tribe is invalidated.

2. Mr. Vibhute, the learned counsel submits that the school record of the petitioner, his father and the other blood relatives consistently record the caste as 'Koli Mahadev'. The learned counsel submits that relying upon school record of some third persons who are not related to the petitioner, the claim is invalidated. According to the learned counsel, it was also erroneous on

the part of the committee to raise suspicion about the old school record of the cousin grandfather of the petitioner. The tribe claim of the real paternal uncle of the petitioner namely Surendra Tatyarao Gamble is validated on 18.12.2010 and validity certificate to that effect is also issued.

3. The learned Additional Government Pleader submits that the vigilance found out the persons in relation with the petitioner and their school record records caste as 'Koli'. The petitioner has failed in the affinity test. The show cause notice is issued to the paternal uncle of the petitioner as to why the proceeding issuing validity to him should not be reopened as various entries were suppressed.

4. It is a matter of record that the real paternal uncle of the petitioner has been issued with the certificate of 'Koli Mahadev', Scheduled Tribe. The school record of the petitioner

records the caste as 'Koli Mahadev'. The school record of the father of the petitioner records caste as 'Mahadev Koli'. The same is of the year – 1982. The school record of the cousin paternal aunt, cousin grandfather records caste as 'Koli Mahadev'. The documents are referred to in respect of persons shown as 'Bhavki' mentioning caste as 'Hindu Koli'. The committee has not spelt out the relationship so as to conclude that they are closely related to the petitioner.

5. The real paternal cousin of the petitioner is issued with the validity certificate of 'Koli Mahadev', Scheduled Tribe in the year – 2010. The show cause notice is issued to him as to why the proceeding of issuing validity should not be reopened. In similar cases the Division Bench at the Principal Seat at Bombay in Writ Petition No. 7500 of 2018 with many other writ petitions has directed issuance of validity subject to the outcome of the proceedings that would be reopened of the validity holders relied by the petitioner.

We follow the same course.

6. The committee shall issue validity certificate to the petitioner of 'Koli Mahadev', Scheduled Tribe. The same would be subject to the decision the committee would take in the proceedings that are being reopened of the validity holders relied by the petitioner. The committee shall issue the said certificate to the petitioner immediately.

7. In case after reopening the proceedings the caste claim of the validity holders relied by the petitioner is invalidated the petitioner shall not be entitled to claim equity nor will be entitled to protect her admission.

8. Writ Petition accordingly allowed in above terms. No costs.

[SUNIL K. KOTWAL, J.] [S. V. GANGAPURWALA, J.]

marathe