

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

WRIT PETITION NO. 8922 OF 2018

Archana Kishan Kopurwad .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

**WITH
WRIT PETITION NO. 8924 OF 2018**

Rushikesh Kishanrao Kopurwad
Through father Kishan Ramji
Kopurwad .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

**WITH
WRIT PETITION NO. 8940 OF 2018**

Ashitosh Kishanrao Kopurwad .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Sunil M. Vibhute, Advocate for the Petitioner in all matters.
Shri P. S. Patil, Addl.G.P. for Respondent Nos. 1 to 3 in all matters.
Shri S. G. Karlekar, Advocate. for the Respondent No. 4 in all matters.

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

FINAL ORDER :

. The caste claims of the petitioners as belonging to Koli Mahadev (Scheduled Tribe) are invalidated.

2. Mr. Vibhute, the learned counsel for petitioners submits that, the real paternal uncle of the petitioner namely Shankar Ramji Kopurwad is issued with the validity certificate on 15.10.2009 after vigilance was conducted. The Committee has found that school record of the real paternal uncle of petitioners Linguram @ Lingoji Kopurwad depict caste being recorded as Mahadev Koli in the year 1962. The same is oldest record. Even with regard to paternal aunt Mahadabai Ramji Kopurwad, the entry is Koli Mahadev. According to the learned counsel, even school record of the petitioners' father, petitioners' paternal aunt record caste as Koli Mahadev.

3. Mr. Patil, the learned Additional Government Pleader for respondent Nos. 1 to 3 submits that, show cause notice has been issued to the paternal aunt of the petitioner, who has been issued with the validity certificate as to why said certificate should not be cancelled. According to the learned Additional Government Pleader, the petitioners gave wrong genealogy. They did not

show Lingoji as their paternal uncle, nor have shown Chandrakala and Mahadabai as paternal aunt, only because their school record mention Koli caste. The petitioners have played fraud upon the Committee by giving wrong genealogy. The word Mahadev is also written in different ink in respect of school record of Mahadabai. The same is in respect of school record of the father of petitioners.

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

5. It is not disputed that the real paternal uncle of the petitioners is issued with the validity certificate of Koli Mahadev (S.T.). The Committee has found Lingoji to be the real uncle of the petitioners and his school record of the year 1962 shows the caste being recorded as Koli Mahadev. So also in respect of another uncle Shankar Ramji, the caste is recorded as Koli Mahadev. The same is of the year 1971. The oldest record appears to be of Lingoji of the year 1962 recording caste as Koli Mahadev. The vigilance did not find any interpolation or erasers in respect of said record.

6. 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.

7. Considering validity certificates being issued in favour of the real paternal uncle of the petitioners and also considering the entries of caste in the school record of Lingoji and Shankar real paternal uncles of the petitioners as Koli Mahadev (S.T.) and also considering that show cause notice is issued to the uncle of the petitioners to whom validity is issued and also in view of the judgment and order dated July 23, 2018 passed by the Division Bench of this Court at Principal seat at Bombay in Writ Petition No. 7500 of 2018, it would be appropriate to direct the respondent/Committee to issue validity certificates to the petitioners of Koli Mahadev (S.T.) subject to decision that would be taken in the proceedings that would be reopened of Shankar Ramji on whose basis the present validity is being issued. We have also considered entries in the record of Lingoji, which is the oldest entry and in which there is no ambiguity found by the vigilance. Considering that, tomorrow is the last date for submitting the validity certificate, the Committee shall immediately issue validity certificates to the petitioners of Koli Mahadev (S.T.). The writ petitions are disposed of. No costs.

8. Naturally, in case validity certificate of the paternal uncle relied by the petitioners is subsequently invalidated, the petitioners cannot claim any equity, nor would be entitled to protect the admissions.

[SUNIL K. KOTWAL, J.]

[S. V. GANGAPURWALA, J.]

bsb/Aug. 18

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Bhalchandra
Sudhakar
Bodke
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