

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

WRIT PETITION NO. 8946 OF 2018

Manorama Chandrakant Shejul .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Pratap V. Jadhavar, Advocate for the Petitioner.

Shri P. S. Patil, Addl.G.P. for Respondent Nos. 1 to 3.

Shri S. G. Karlekar, Advocate. for the Respondent No. 4.

**CORAM : S. V. GANGAPURWALA AND
SUNIL K. KOTWAL, JJ.**

DATE : 03RD AUGUST, 2018.

FINAL ORDER :

. The caste claim of the petitioner as belonging to Koli Mahadev (Scheduled Tribe) has been invalidated.

2. Mr. Jadhavar, the learned counsel for the petitioner submits that, father of the petitioner is issued with the validity certificate in the year 2008. The learned counsel submits that, the school record of the father of the petitioner records caste as Koli Mahadev. Even school record of the petitioner records the caste as Koli Mahadev. Only there is isolated entry of Koli in respect of uncle of the petitioner, same is made basis for invalidation of the caste claim of the petitioner.

3. Mr. Patil, the learned Additional Government Pleader for

respondent Nos. 1 to 3 submits that, it is decided to issue show cause notice to the father of the petitioner for reopening of his validation proceeding as some of the documents were suppressed. According to the learned Addl. G. P., the father and uncle of the petitioner record also shows the caste being recorded as Koli. Said aspect has been considered by the Committee.

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 is issued with the validity certificate of Koli Mahadev (S.T.). In the school record of the petitioner the caste is recorded as Koli Mahadev. In respect of the father of the petitioner the document of the year 1972 of Municipal Council school Kopergaon records caste as Mahadev Koli, whereas the school record of the uncle of the petitioner records caste as Hindu Koli.

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, we follow the same course.

7. 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.

8. Naturally, in case validation 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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