

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

WRIT PETITION NO. 8921 OF 2018

Anant Maroti Sone through natural
guardian Maroti Raghunath Sone .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Omgashad B. Boinwad, 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 :

. Leave to amend prayer clause C.

2. The caste claim of the petitioner as belonging to Koli Mahadev (Scheduled Tribe) was referred to the respondent/Committee. The same is invalidated.

3. Mr. Boinwad, the learned counsel for the petitioner submits that, the caste claim of the real sister of the petitioner was invalidated. The real sister thereafter preferred writ petition before the Principal Seat at Bombay bearing Writ Petition No. 10422 of 2017. The same is allowed under judgment and order

dated October 05, 2017 and this Court directed the committee to issue the validity certificate of Koli Mahadev (S.T.) to the sister of the petitioner. According to the learned counsel, there are entires showing Koli Mahadev caste in the school record of the petitioner's father, petitioner's sister and also in case of uncles of the petitioner. Only on the ground of stray entry, the claim of the petitioner is invalidated.

4. Mr. Patil, the learned Additional Government Pleader submits that, in respect of real cousins, the school record depicts the caste as Koli i. e. Gangadhar Raghunath Sone, Narayan Raghunath Sone and Shashikala Raghunath Sone. So also in case of cousin grandfather, the caste is recorded as Koli in the school record. The Committee has considered the said aspect and has rightly passed the said order.

5. The caste claim of the real sister of the petitioner was invalidated by the Committee. The real sister filed writ petition before the Principal seat at Bombay bearing Writ Petition No. 10422 of 2017. This Court considered the entry of Koli in the record of the paternal aunt and thereafter allowed the writ petition and directed the Committee to issue validity certificate in favour of the sister of the petitioner.

6. The respondents submit that, the respondents are contemplating to move Law and Judiciary Department seeking

permission to file review of the order in Writ Petition No. 10422 of 2017.

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 that, this Court has already validated tribe certificate of the real sister of the petitioner 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 Committee to issue validity certificate to the petitioner of Koli Mahadev (S.T.) The same may be subject to the proceedings that may be taken up and concluded in case, the respondents choose to file review of the order October 05, 2017 in Writ Petition No. 10422 of 2017, in the light of the above, respondent/Committee shall immediately issue validity certificate to the petitioner of Koli Mahadev (S.T.) considering that 04th August, 2018 is the last date for submitting the validity certificate. The writ petition is disposed of. No costs.

8. Naturally, in case the judgment of this Court in Writ Petition No. 10422 of 2017 is reviewed and caste claim of the real sister of the petitioner is invalidated, the petitioner cannot claim any equity, nor would be entitled to protect the admission.

[SUNIL K. KOTWAL, J.]

[S. V. GANGAPURWALA, J.]

bsb/Aug. 18

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