

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8979 OF 2018

Vidhya Govind Dhade .. **Petitioner**

Versus

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

Shri Vivek U. Jadhav, Advocate for the Petitioner.
Shri P. S. Patil, Addl. G. P. for Respondent /
State.

Shri S. G. Karlekar, A.G.P. for Respondent No. 3.

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. Jadhav, the learned counsel submits that the caste claim of the father of the petitioner has been validated and the validity certificate is issued by the committee to the father of the petitioner of 'Koli Mahadev', Scheduled Tribe on 11.10.2011. The entries in the school record of the petitioner, his father and uncle record the caste as 'Mahadev Koli', but the same has not been considered by the committee in its correct perspective. On the basis of similar entires

validity certificate is issued to the father of the petitioner. The validity certificate is issued to the father of the petitioner after conducting vigilance and affinity test.

3. The learned Additional Government Pleader submits that the school record of the father of the petitioner is suspicious. In one of the entries the caste is mentioned as 'Valmiki Koli' and in the school record of the uncle initially the entry was 'Hindu Koli', the word 'Mahadev' is inserted with the different ink, so also, in case of the cousin grandfather and the cousin uncle the school record mentions the caste as 'Koli' and in another cousin grandfather word 'Mahadev' has been subsequently added. The entries are also inconsistent. In respect of great grandfather also the entry is recorded as 'Koli'. The petitioner has failed in the affinity test. The learned Additional Government Pleader submits that the show cause notice is issued to the father of the petitioner as to why the validation proceeding should not be reopened.

4. It is a matter of record that the father of the petitioner has been issued with the validity certificate of 'Mahadev Koli', Scheduled Tribe in the year - 2011. The school record of the

petitioner, his father records caste as 'Koli Mahdev'. There is entry in one of the school records of the father as 'Valmiki Koli', whereas in some of the records the committee has found that there is some interpolation or that the word 'Mahadev' has been subsequently added. It is submitted that while considering the tribe claim of the father of the petitioner all the entires were considered.

5. The father of the petitioner is issued with the validity certificate of 'Koli Mahadev', Scheduled Tribe. 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.]

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