

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

WRIT PETITION NO. 9381 OF 2018

Ganesh Sanjay Khedkar.

Petitioner.

Versus

State of Maharashtra and others.

Respondents.

WITH

WRIT PETITION NO. 9383 OF 2018

Pranav Suresh Narayankhedkar.

Petitioner.

Versus

State of Maharashtra and others.

Respondents.

Mr. S.M. Vibhute, Advocate for the petitioners in both petitions.

Mr. P.S. Patil, A.G.P. for the respondents in both petitions.

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

Dated : **10th August , 2018.**

FINAL ORDER :-

. The Caste Claims of the petitioners as “Koli Mahadev”
Scheduled Tribe are invalidated.

2. Mr. Vibhute, the learned Counsel for the petitioners

submits that father of petitioner Ganesh Khedkar namely Sanjay Khedkar is issued with validity certificate of "Koli Mahadev" Scheduled Tribe on 26.09.2006. One cousin paternal uncle and paternal aunt of petitioner Ganesh have also been issued with validity certificates on 07.09.2006 and 04.11.2008 respectively.

3. In case of petitioner Pranav Narayankhedkar the real sister of Pranav namely Saisadhana has been issued with validity certificate on 04.11.2008, so also the paternal cousin of Pranav namely Sanjay Khedkar is issued with validity certificate. Learned Counsel submits that the entries in the school record of the petitioner, his father and grandfather consistently record the caste as Koli Mahadev / Mahadev Koli. The Committee has raised suspicion over some of the entries in the name of grandfather and cousin grandfather and one entry in case of the father that it is in different ink. The petitioner has denied the same. These entries were considered when the validity certificate was issued in favour of the aunt of the petitioner also.

4. Mr. Patil, the Learned Additional Government Pleader submits that the entries of Koli Mahadev in school record of the petitioner's grandfather, cousin grandfather and petitioner's father are manipulated. The same are in the different ink. The Committee

has issued notices for reopening the proceedings granting validities to the father of petitioner Ganesh Khedkar, so also the aunt Saisadhana. The petitioners also did not comply with the affinity test.

5. We have considered the submissions.

6. It is not disputed that the father of the petitioner Ganesh has been issued with the validity certificate of "Koli Mahadev" Scheduled Tribe. So also the paternal cousin of the petitioner has been issued with the validity certificate of "Koli Mahadev" Scheduled Tribe, whereas the real sister of the petitioner Pranav has been issued with the validity certificate of "Koli Mahadev" Scheduled Tribe. It is the case of petitioners that when the validity was granted in favour of Saisadhana, the paternal cousin of petitioner Ganesh and real sister of petitioner Pranav, all these entries were considered.

7. In similar set of acts the Principal Seat at Bombay in Writ Petition No.7500 of 2018 with other Writ Petitions has directed issuance of validity subject to the decision that would be taken by the Committee in the cases reopened of the validity holders relied by the petitioners.

8. Considering the documents on record and the entries as referred to supra, we follow the same course.

9. Respondent – Committee shall issue validity certificate to the petitioner Ganesh and Pranav as “Koli Mahadev” Scheduled Tribe subject to the decision that would be taken by the Committee in the proceedings that are being initiated for reopening the validities granted in favour of the persons relied by the petitioners. In case the validity certificates on which the petitioners rely are invalidated, the petitioners would not be entitled to any equity nor shall be entitled to protect their admission.

10. Considering the exigency, the Committee shall issue the validity certificates to the petitioners immediately.

11. Writ Petitions are accordingly disposed. No costs.

(SUNIL K. KOTWAL)
JUDGE

(S.V. GANGAPURWALA)
JUDGE

vdd/