

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

WRIT PETITION NO. 9427 OF 2018

Ganesh Ramrao Chainpure.

Petitioner.

Versus

State of Maharashtra and another.

Respondents.

Mr. S.M. Vibhute, Advocate for the petitioner.

Mr. P.S. Patil, A.G.P. for the respondents.

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

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

FINAL ORDER :-

. The Caste Claim of the petitioner as "Koli Mahadev" Scheduled Tribe is invalidated.

2. Mr. Vibhute, the learned Counsel for the petitioner submits that the caste claim of the father of the petitioner as "Koli Mahadev" Scheduled Tribe is validated and validity certificate is issued to him on 01.08.2011. Tribe Claim of the real sister of the petitioner as "Koli Mahadev" Scheduled Tribe is also validated and the validity certificate is issued to her on 29.06.2010. The learned Counsel submits that consistently the caste in the school record of

the petitioner, his sister, his father and grandfather appears as "Koli Mahadev" Scheduled Tribe. There is only one entry of "Gawandi" alongwith "Koli Mahadev" in one school record of the father. Apart from the same, there is not a single contra entry. The Committee has observed about one entry "म.कोळी" in the record of cousin uncle as "म" is written in different ink. According to the learned Counsel, the same is erroneous. The entry is "Koli Mahadev" only.

3. Mr. Patil, the learned Additional Government Pleader submits that the Committee has considered that in case of grandfather of the petitioner some other names appear at Sr. No.313 of the school register and in case of cousin uncle of the petitioner the word "म" is written in different ink. Show-cause notices are issued to the father and real sister of the petitioner for reopening the validation proceedings.

4. From the judgment, it appears that in the caste column of the school record of the petitioner, his father and his sister the entries of "Koli Mahadev" appears consistently. The Committee has observed that at one place in the record of the father "Koli Mahadev" is mentioned, however, the caste "Gawandi" is also mentioned. It is the fact that father of the petitioner has been issued with validity certificate of "Koli Mahadev" Scheduled Tribe on 01.08.2011 and real sister of the petitioner is also issued with validity certificate of "Koli

Mahadev” Scheduled Tribe on 29.06.2010.

5. In view of the above, the Respondent – Committee shall issue validity certificate to the petitioner of “Koli Mahadev” Scheduled Tribe.

6. It is submitted that the Committee has issued show-cause notices for reopening the validation proceedings of the father and real sister of the petitioner. The validity certificate issued to the petitioner would be subject to the decision that would be taken by the Committee in the proceedings that are being reopened in cases of the father and real sister of the petitioner.

7. In case their claims are subsequently invalidated, the petitioner will not have any right to claim equity and shall not be in a position to protect his admission.

8. Considering the exigency, the Committee shall issue validity certificate to the petitioner of “Koli Mahadev” Scheduled Tribe immediately.

9. Writ Petition is disposed of. No costs.

(SUNIL K. KOTWAL)
JUDGE

(S.V. GANGAPURWALA)
JUDGE