

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

959 WRIT PETITION NO. 9504 OF 2018
SAMBHAJI BILPE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioners : Mr.Vibhute Sunil M.
AGP for Respondents/State : Mr.P.S. Partil
Advocate for Respondent No. 4 : Mr.Karlekar Sujeet G.

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

DATE : AUGUST 14, 2018

O R D E R :

The caste claim of the petitioner as Koli Mahdev Scheduled Tribe is invalidated.

2. The learned counsel submits that the father of the petitioner has been issued validity certificate of Koli Mahadev Scheduled Tribe in the year 2006. The real brother of the petitioner has also been issued with validity certificate of Koli Mahdev Scheduled

Tribe on 12.1.2011. The learned counsel submits that in the school record of the petitioner, his brother and father, sister and uncle the caste is recorded as Koli Mahdev Scheduled Tribes.

3. According to the learned counsel, the Committee has assumed that the name Koli Mahdev has been subsequently inserted in school record of the father and the petitioner. In fact, the petitioner or his father has not changed any school record and on the basis of same entries the authority has granted validity certificate to the father and real brother of the petitioner.

4. The learned AGP submits that the school record of the father and uncle of the petitioner has been verified and the vigilance has been conducted in respect of each of them and the entry of caste is recorded as Hindu. Whereas, only in the case of petitioner's father and uncle the caste Koli Mahdev

is recorded in different ink and hand writing and the same has been considered by the committee and thereby rightly invalidated the claim of the petitioner. The show cause notice is issued to the father and real brother of the petitioner as to why their proceedings of issuing validity should not be reopened and the claims should not be invalidated.

5. It is a matter of record that father of the petitioner has been issued validity certificate as Koli Mahadev in the year 2006. The real brother of the petitioner has been issued validity certificate as Koli Mahadev Scheduled Tribe in the year 2011.

6. According to the respondent Committee the entries in the school record of father and uncle appear to have been made subsequently. On suspicion being raised, show cause notice is issued to the father and brother of the petitioner as to why the proceedings should not be reopened.

7. In the similar set of facts, the Division Bench of this Court at Principal Seat at Bombay, in Writ Petition No. 7514 of 2018, decided on 24.7.2018 and many other Writ Petitions has directed issuance of validity subject to the decision that would be taken in respect of the proceeding re-opened of the validity certificates relied upon by the petitioner. We follow the same course.

8. The respondent shall issue validity certificate to the petitioner as Koli Mahadev Scheduled Tribe. The same shall be subject to the decision of the Committee in the proceedings re-opened of the validity holder relied by the petitioner. In case the caste certificates of the validity holder relied by the petitioner are invalidated, then the petitioner shall not be entitled for equity nor shall be entitled to protect his admission.

9. Writ Petition is disposed of. No costs.

[**SUNIL K.KOTWAL, J.**]

[**S.V.GANGAPURWALA, J.**]

mahajansb/