

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

953 WRIT PETITION NO. 9494 OF 2018

SUVARNA CHUDAMAN SAPKALE  
VERSUS  
THE DIRECTOR OF MEDICAL EDUCATION AND RESEARCH CET CELL  
AND OTHERS

...

Advocate for Petitioner : Mr.Deshmukh Bhausaheb S.

AGP for respondent No. 1 : Mr. A.V. Deshmukh

Advocate for Respondent No. 2 : Mr. Karlekar S. G.

...

**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 Tokare Koli Scheduled Tribe is invalidated.

2. Learned counsel submits that father of the petitioner has been issued validity certificate of Tokare Koli Scheduled Tribe on 12.7.2006. The Committee has considered the entry in the school record of grand father as Tokare Koli, so also the entry in

the school record of father, cousin brother and thereafter has issued validity in favour of the father of the petitioner.

3. The learned counsel submits that it is not the case that the school record of grand father is suppressed. Even father of the petitioner is issued validity certificate relying upon the entries in the school record of the grand father of the petitioner.

4. Mr. Karlekar, learned AGP submits that the school record of grand father of the petitioner records caste as Tokare Koli and Koli Wargikrit and the same is included in the special backward class. On the basis of the said entries the validity certificate is issued to the father of the petitioner.

5. The judgment delivered by the Committee at the time of issuing validity to the father of the

petitioner is placed on record. In the said judgment the entry recorded in the name of the grand-father of the petitioner has been considered. It is not the case that the said entry has been suppressed while issuing validity certificate to the father of the petitioner. After considering those entries the validity has been issued.

6. It is stated in the order that show cause notice is issued to the father of the petitioner as to why the proceedings should not be reopened and the validity certificate issued to him should not be cancelled.

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 Tokare Koli 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/