

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

WRIT PETITION NO. 9503 OF 2018

Yashsingh Kishansingh Chamargore .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri U. R. Awate, Advocate i/by Talekar and Associates,
Advocate for the Petitioner.

Shri P. S. Patil, Addl.G.P. for the Respondent Nos. 1 to 4.

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

DATE : 14TH AUGUST, 2018.

FINAL ORDER :

. The caste claim of the petitioner as belonging to Thakur (Scheduled Tribe) is invalidated. The learned counsel for the petitioner submits that, the voluminous documents that is the school record of the father, uncle, paternal aunt recording the caste as Thakur has not been considered. The father of the petitioner Shri Kishansingh Chamargore has been issued with validity certificate of Thakur (S.T.). The paternal aunt has been issued with the validity certificate of Thakur (S.T.) All these entries were considered at the time the validities in favour of these persons were issued. Even paternal uncle is issued with the validity certificate. The learned counsel further submits

that, by common judgment the caste claim of the petitioner and one Kunal Umraosingh has been invalidated. Kunal Umraosingh filed writ petition bearing Writ Petition No. 9066 of 2018 at the Principal seat at Bombay. The Division Bench allowed the said writ petition under order dated 13th August, 2018 and directed the Committee to issue validity certificate to said Kunal.

2. Mr. Patil, the learned Additional Government Pleader submits that, initial entry in the school record of the petitioner's father, paternal aunt and uncle was Rajput. The same is converted into Thakur subsequently. Even school record of the near relative of the petitioner shows entries as Rajput or Rajput Bhamta. The validities issued to the father, uncle and aunt of the petitioner are by suppression of the original entries in their school record. Show cause notices are issued to the validity holders relied by the petitioner as to why their validity certificates should not be cancelled.

3. We have considered the submissions canvassed by the learned counsel for respective parties.

4. It appears that, under common judgment dated 10.08.2018 the Scrutiny Committee has invalidated the caste claim of the petitioner and one Kunal Umraosingh Chamargore. Said Kunal Chamargore had approached this High Court at its principal seat

at Bombay by filing Writ Petition No. 9066 of 2018. The Division Bench of this Court at its principal seat at Bombay under its judgment and order dated 13th August, 2018 has set aside the judgment dated 10.08.2018 and directed the Committee to issue validity certificate to Kunal Umraosingh Chamargore subject to any scrutiny or enquiry in relation to certificate of validity issued to his father.

5. We follow the same course.

6. The respondent No. 2/Committee shall issue validity certificate to the petitioner of Thakur (Scheduled Tribe). The same would be subject to the show cause notice issued by the Committee to the father of the petitioner namely Kishansingh Chamargore as to why the validity certificate should not be cancelled. In case the validity certificate issued to the father of the petitioner is cancelled, then the said order would also decide the fate of the petitioner as well and in that event the petitioner would not be entitled to claim equity, nor shall be entitled to protect his admission.

7. The writ petition is accordingly disposed of. No costs.

[SUNIL K. KOTWAL, J.]

[S. V. GANGAPURWALA, J.]

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