

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

1049 WRIT PETITION NO.7160 OF 2019

VAISHNAVI RAGHUNATHRAO CHANCHALWAR
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Mr. Kalyan Patil h/f Mr. S.R.Barlinge, Advocate for Petitioner.
Mr. P.S.Patil, AGP for Respondents-State.

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**CORAM : S.V. GANGAPURWALA AND
MANGESH S. PATIL, JJ.**

DATE : 19.07.2019

PER COURT :-

1. Mr. Patil, the learned counsel for the petitioner submits that the caste claim of the petitioner as 'Koli Mahadeo' Scheduled Tribe is invalidated.

2. The learned counsel submits that the father of the petitioner namely Raghunath is issued with the validity certificate of 'Koli Mahadeo' Scheduled Tribe. The uncle of the petitioner Sudhakar is issued with the validity certificate of 'Koli Mahadeo' Scheduled Tribe. His two sons and one daughter are issued with the validity certificates of 'Koli Mahadeo' Scheduled Tribe. The learned counsel submits that all along the school entry of the father of the petitioner,

his uncle and paternal cousins record caste as 'Koli Mahadeo'. There are no contra evidence on record.

3. Mr. Patil, the learned AGP submits that in the school record of the father of the petitioner it is found that the word 'Mahadeo' is written in different ink. So also in the school record of Shamsunder 'Mahadeo' is written in different ink. The petitioner also failed in the affinity test. The same has been considered by the Committee in its correct perspective.

4. It is not disputed that the father of the petitioner is issued with the validity certificate of 'Koli Mahadeo' Scheduled Tribe. The real uncle's son is also issued with the validity certificate of 'Koli Mahadeo' Scheduled Tribe and his two sons and daughters are also issued validity certificate of 'Koli Mahadeo' Scheduled Tribe. The entry in the school record of the father of the petitioner was also subject matter of vigilance at the time of issuing validity to the father of the petitioner. The vigilance report in case of father of the petitioner is placed on record. The relationship of the various validity holders is not disputed. It is submitted that the show cause notice is issued to the validity holders. In light of the above, we pass the following order :

ORDER

(i) The impugned order is quashed and set aside.

(ii) The Committee shall issue validity certificate of 'Koli Mahadeo' Scheduled Tribe to the petitioner immediately.

(iii) The said validity certificate shall be subject to the decision that would be taken by the Committee, in case the validation proceeding in respect of the father of the petitioner is re-opened.

5. The Writ Petition is disposed of. No costs.

(MANGESH S. PATIL, J.)

(S.V. GANGAPURWALA, J.)

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vmk/-