

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

1076 WRIT PETITION NO.8388 OF 2019

1]SIDDHANT VITTHAL JATALE  
2] SHUBHAM VITTHAL JATALE  
VERSUS  
DIRECTOR OF TECHNICAL EDUCATION AND OTHERS

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Advocate for Petitioner : Phatale Sagar S  
AGP for Respondents: Mr.P.S.Patil  
Advocate for Respondents : S.G. Karlekar for R.2

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

**DATE : 02/08/2019**

**PER COURT :**

The caste claim of the petitioners as Koli Mahadev (Scheduled Tribe) is invalidated.

2] Mr.Phatale, learned advocate for the petitioners submits that the committee did not consider the orders passed by this Court in Writ Petition No.2534/2005 dated 19/10/2011 wherein this Court set aside the order passed by the committee and directed issuance of validity to Vinayak s/o Vishwanath Jatale. The learned counsel further submits that the caste claim of another paternal cousin of the petitioner Madhav Nagnath Jatale was invalidated by the committee. He filed Writ Petition No. 7417 of 2007. The Division Bench of this Court under order dated 30.07.2008 set aside the order of the committee and remanded the matter back to the committee. The Court considered contra evidence of Koli and Mahadev Koli and directed the committee to apply the affinity. After remand the

committee issued validity certificate to Madhav Nagnath Jatale by speaking order dated 29.09.2008. The learned counsel submits that Vishwanath Namdev Jatale is also issued with the validity certificate of Koli Mahadev (S.T.) by the committee.

3] All these facts are ignored by the committee. It was not open for the committee now to state that there are contra entries those were considered by this Court in W.P. No. 7417 of 2007 filed by Madhav.

4] Mr. Patil learned Add. G.P. submits that there are contra entries on record and when there are contra entries on record the affinity test plays vital role. The petitioners have failed in the affinity test. In fact one of the family members of the petitioners namely Priya Prabhu Jatale is denied validity of Koli Mahadev (S.T.). Her claim is rejected by the committee. The same is not brought to the notice of this Court. The claim of another family member Digambar Bhimrao Jatale is also invalidated. The same fact is not also brought to the notice of the court. He has filed Writ Petition, the same is pending.

5] According to the learned counsel in view of all the aforesaid aspects, the committee has not committed any error in passing the impugned order.

6] We have considered the submissions. Vinayak S/o Vishwanath, Vishwanath S/o Namdeo and Madhav S/o Nagnath are all paternal relatives of the petitioners, is not a disputed fact. The claim of Vinayak was invalidated. This Court under order dated 19.10.2011 in W.P. 2534/2005 directed the committee to issue validity certificate to Vinayak of Koli Mahadev (S.T.) setting aside the judgment of the

committee. Madhav's claim was also invalidated on the ground that there are contra entries of Koli in his blood relations on record. He filed W.P. No. 7417/2007. This Court under order dated 30.07.2008 observed that there are documents showing petitioners blood relations both as Koli and Mahadev Koli. In these circumstances in the case of Scheduled Tribe, proper test of tribal traits and characteristics should have been applied. The Court remanded the matter to the committee, the committee thereafter by order dated 29.09.2008 granted validity to Madhav by passing a detailed order and held that he proved the traits and characteristics of Koli Mahadev (S.T.). Vishwanath Namdev is also granted validity certificate by the committee on 20.09.2010.

7] In view of the judgments passed by this Court as referred to above and the validity issued to these persons, it would not be possible to accept the contention of the learned Add. G.P. about the contra evidence and the rejection of the claim of Ku. Priya Prabhu Jatale.

8] It is submitted that show causes are issued to the validity holders.

9] Considering the above, we pass the following order :

I] The impugned judgment of the committee is quashed and set aside.

II] The committee shall issue validity certificate to the petitioners of Koli Mahadev (S.T.) immediately. The same shall be subject to the decision in the cases of validity

holders relied by petitioners and in case judgments referred to above are reviewed by the committee.

10] Writ Petition is disposed of. No costs.

(MANGESH S. PATIL,J.)

(S.V.GANGAPURWALA,J.)

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