

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

**1009 WRIT PETITION NO.8711 OF 2019**

ANIKET KUMAR VIBHUTE  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS

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Mr. S.M.Vibhute, 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. The caste claim of the petitioner as 'Koli Mahadev' Scheduled Tribe is invalidated.

2. Mr. Vibhute, the learned counsel for the petitioner submits that the real sister of the petitioner and real paternal uncle of the petitioner is issued with the validity certificate of 'Koli Mahadev' Scheduled Tribe. So also four other paternal cousins of the petitioner are issued with the validity certificate of the 'Koli Mahadev' Scheduled Tribe. The learned counsel submits that there is absolutely not a single contra entry on record. The entry of the petitioner, his father, grandfather, uncles record caste as 'Koli Mahadev'.

The Committee on the ground that one Sarla and Shrikant - sons of Vajjnath, claim is invalidated. The petitioner's claim is also invalidated. Shrikant and Sarla are not related to the petitioner. Their claim is invalidated, in the year 2011, whereas the validity is issued to the petitioner's paternal cousin in the year 2009, prior to it. Probably Shrikant and Sarla may be trying to take advantage of the validity issued to the petitioner's paternal cousin. The learned counsel submits that in view of the consistent entries of 'Koli Mahadev' in the record the Committee could not taken a different view.

3. Mr. Patil, the learned AGP submits that the petitioner suppressed the invalidation of Shrikant Vajjnath and Sarla Vajjnath purposefully. The petitioner did not show the branch of Maroti and he has shown the genealogy as if Bhivaji had no brother. The same is erroneous. Even the school record of Uttam Santram records caste as Harijan Koli. The same is a contra entry and in case of another cousin grandfather of the petitioner, the word 'Koli Mahadev' is recorded in the different ink in column No.3 and 4 and in fact column of caste is column No.5. The petitioner also failed in the affinity test.

4. It is not disputed that the real sister of the petitioner and the real paternal uncle of the petitioner are issued with the validity certificate of 'Koli Mahadev' Scheduled Tribe. So also four other paternal cousins of the petitioner are issued with the validity certificates. With precision the respondents also cannot demonstrate that Shrikant and Sarla are related to the petitioner or the branch of Maroti has relation with the branch of Bhivaji Santram. In absence of any authentic record, it would be inappropriate to rely on the same. More particularly, when the validity is issued to Uttam prior in point of time to Shrikant and Sarla Vajjnath. Possibility cannot be ruled out that to take advantage of the validity issued to Uttam they may have shown the said branch to be related to that.

5. Considering the consistent entries of 'Koli Mahadev' in the school record of petitioner, his father, grandfather and uncles, so also the validities issued to the real sister and real paternal uncle of the petitioner so also four paternal cousins, we pass the following order :

**ORDER**

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

(ii) The Committee shall issue validity certificate of 'Koli Mahadev' 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 cases of the validity holders whose proceedings are re-opened and relied by the petitioner.

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

**(MANGESH S. PATIL, J.)**

**(S.V. GANGAPURWALA, J.)**

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vmk/-