

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

1019 WRIT PETITION NO.8821 OF 2019

AISHWARYA RAJENDRA KOLI ALAS SAPKALE

VERSUS

STATE COMMON ENTRANCE TEST CELL AND ANOTHER

WRIT PETITION NO.8868 OF 2019

NILESH BALIRAM KOLI

VERSUS

STATE COMMON ENTRANCE TEST CELL AND ANOTHER

WRIT PETITION NO.8865 OF 2019

SAPNA BALIRAM KOLI

VERSUS

STATE COMMON ENTRANCE TEST CELL AND ANOTHER

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Mr. B.S.Deshmukh, Advocate for Petitioners.

Mr. P.S.Patil, AGP for Respondent-State.

Mr. S.G.Karlekar, Advocate for Respondent No.1.

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

DATE : 19.07.2019

PER COURT :-

1. Heard the learned counsels for respective parties. It appears that the school record of the grandfather of the petitioners namely Chhannu records caste as 'Koli' and of uncle as 'Hindu Vargikrut'. There is school record of Rajendra as Hindu Other Backward.

2. The petitioner is relying on the validity certificate issued to the real paternal uncle Chudaman and her daughter Suvarna. Suvarna is issued with the validity certificate under directions of this Court with a further rider that in case if the proceeding of Chudaman is re-opened, then her validity will be subject to the decision of the Committee in case of her father. One year has lapsed. Further process has not been undertaken pursuant to the show cause notice by the Committee.

3. Considering the validity issued to the real paternal uncle of the petitioners and the order of this Court in case of the paternal cousin of the petitioners Survarna-daughter of Chudaman dated 14.08.2018 in Writ Petition No.9494 of 2018, we pass the following order.

ORDER

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

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

(iii) The same would be subject to the decision of the Committee in the proceedings re-opened of the validity holders relied by the petitioners. In case, the caste certificates of the validity holders

relied by the petitioners invalidated, then the petitioners shall not be entitled for any equity nor shall be entitled to protect their admission.

4. The Writ Petitions are disposed of. No costs.

(MANGESH S. PATIL, J.)

(S.V. GANGAPURWALA, J.)

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vmk/-