

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD  
981 WRIT PETITION NO.9063 OF 2019**

LAXMINARAYAN PIRAJI GALANDE

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. Kulkarni h/f Mr. Omgashad B. Boinwad and Mr.  
Ganesh R. Jadhav, Advocates for the Petitioner.  
Mr. P. S. Patil, AGP for Respondents-State.

...  
**CORAM : S. V. GANGAPURWALA &  
MANGESH S. PATIL, JJ.  
DATED : 01<sup>st</sup> AUGUST, 2019.**

**PER COURT:-**

1. The tribe claim of the petitioner as Koli Mahadev, Scheduled Tribe is invalidated.

2. Mr. Kulkarni, learned counsel submits that the Girishkumar son of Vishwanath has been issued with validity certificate of Mahadev Koli, Scheduled Tribe. Vishwanath is real paternal uncle of the petitioner's father. The learned counsel submits that there is not a single contra entry on record. All the entries in the record of the petitioner, his father, his cousin brother, uncle record caste as Mahadev Koli. According to the learned counsel, in the school record of the great grandfather of the petitioner Vyankat Narayanrao Galande of the year 1942 the caste is recorded as Koli Mahadev. At the time of issuance of validity to Girishkumar vigilance was conducted and the

vigilance officer has verified the original record.

3. The learned counsel submits that relying upon the entries of some persons of Koli referred to by the committee as Bhavaki the claim is invalidated. The persons referred to therein as Bhavakies have no relation with petitioner. If the respondents contend that Ramesh Bhojaji Galande is paternal relative of the petitioner, then daughter of Ramesh is issued with validity certificate under the orders of this Court at Principal Seat in Writ Petition No.10323/2017 dated 03.10.2017.

4. Mr. Patil, learned A.G.P. submits that the entries in the school record relied by the petitioner are of recent origin. The oldest entry appears to be of the year 1987.

5. The committee has considered the contra entries. The petitioner has failed in affinity test. The show cause notice has been issued to Girishkumar son of Vishwanath.

6. The relationship as placed on record by the petitioner is not disputed. It is not disputed that the Vishwanth is real uncle of the petitioner's father and Girishkumar is son of Vishwanath. He has been issued with the validity certificate of Koli Mahadev, Scheduled Tribe. The school entry in the name of Galande Vyankat Narayanrao is of 17.06.1942 and the caste is shown to have been recorded as Koli Mahadev. The

vigilance it appears was conducted in the case of Girishkumar and the vigilance officer has certified the same. According to the A.G.P. the same was in connivance of the vigilance officer and the claimant. The vigilance officer did not verify the original record.

7. At this stage, there is nothing before us to conclude that the vigilance officer in case of Girishkumar son of Vishwanth had not seen original school record. It appears that the original record is now not available as per the contention of the respondents. The records produced by the petitioner record caste as Koli Mahadev. In the school record of petitioner, his father, uncle contra entries are not appearing. The show cause notice is issued to the Girishkumar as to why his validity should not be canceled.

8. Considering the above, we pass the following order:

**ORDER**

i. The impugned order is quashed and set aside.

ii. The committee shall issue validity certificate to the petitioner of Koli Mahadev, Scheduled Tribe immediately. The same would be subject to the decision that would be taken by the committee in the proceedings that are reopened of the

validity holder relied by the petitioner. In case, the validity certificate issued to the validity holder relied by the petitioner is canceled, then the petitioner would not be entitled for any equity.

9. Writ Petition is disposed of. No costs.

**(MANGESH S. PATIL)**  
**JUDGE**

**(S. V. GANGAPURWALA)**  
**JUDGE**