

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8087 OF 2020
WITH
CIVIL APPLICATION NO. 8362 OF 2020

Sharad s/o Vitthalrao Ballurkar ...Petitioner

Versus

The State of Maharashtra and Ors. ...Respondents

Mr C.R. Thorat, Advocate for Petitioner
Mr S.P. Tiwari, A.G.P. for Respondent Nos. 1 and 3/State
Mr S.G. Karlekar, Advocate for Respondent No. 2

**CORAM : S.V. GANGAPURWALA AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 16th DECEMBER, 2020

PER COURT :

1. The caste claim of the petitioner as "Gond" Scheduled Tribe is nagatived.
2. We have heard the learned Counsel for the petitioner and the learned Assistant Government Pleader for Respondent Nos. 1 and 3.
3. It is a matter of record that the father of the petitioner namely, Vitthalrao S/o Balagod Ballurkar is issued with the validity certificate of the "Gond" Scheduled Tribe. It is also a matter of record that the elder brother of the petitioner namely, Bhagirath S/o Vitthalrao Ballurkar is also issued with the validity certificate of "Gond" Scheduled Tribe. The Committee has raised suspicion with regard to the school entry of father of the petitioner of the year 1963. According to the Committee, the said entry is interpolated. While granting validity certificate to the elder brother of the

petitioner, Bhagirath, the vigilance was conducted and the Vigilance Cell in that case did not report about any interpolation.

4. All other entries appeared to be of “Gond” except one of paternal aunt of the year 1970. The said entry appears to be Kalal.

5. The petitioner relies on the judgment in the case of ***Apoorva Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee reported in 2010 (6) Mh.L.J. 401.***

6. 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 to the petitioner of “Gond” Scheduled Tribe.
 - (iii) The said validity certificate would be subject to the decision that would be taken by the Committee in the proceedings re-opened of the validity holders relied by the petitioner.
7. The writ petition is disposed of. No costs.
8. In view of disposal of writ petition, civil application also stands disposed of.

[SHRIKANT D. KULKARNI, J.]

[S.V. GANGAPURWALA, J.]