

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

WRIT PETITION NO. 8158 OF 2020

Vidya Laxman Suryawanshi

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Mr. O. B. Boinwad, Advocate for the Petitioner.

Mr. P. S. Patil, Addl. G. P for Respondent Nos. 1 and 2.

Mr. M. D. Narwadkar, Advocate for Respondent No. 3.

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

DATED : 15th DECEMBER, 2020.

PER COURT:-

. The tribe claim of the petitioner as belonging to “Koli Mahadev” (Scheduled Tribe) is invalidated.

2. Mr. Boinwad, learned counsel for the petitioner submits that Jyoti, the daughter of real uncle of the petitioner is issued with the validity certificate of “Koli Mahadev” (Scheduled Tribe) in the year 2010. The oldest entry is the school record of the grandfather of the petitioner namely Bhikaji records tribe as “Mahadev Koli” (Scheduled Tribe). The said entry is of the year 1953. The school record of the petitioner’s father, petitioner’s sister and petitioner’s aunt also records tribe as “Koli Mahadev” (Scheduled Tribe). According to the learned

counsel, the validity was granted to Jyoti after conducting vigilance.

3. Mr. Patil, learned Addl. G. P. submits that the school record of the real paternal aunt of the petitioner is manipulated. The petitioner produced the school record of Chandrakanta (paternal aunt) wherein the admission is shown at serial no. 706. At serial no. 706 the name of one Prakash Marotrao Pawar appears. Chandrakanta is admitted under admission no. 495 wherein tribe is recorded as "Koli". The contra entry was suppressed when Jyoti was granted validity. The learned Addl. G. P. further submits that in school record of the petitioner's relatives also contra entry of "Koli" is recorded. In the year 2007 one of the paternal relative of the petitioner namely Nagesh had also applied for the validity certificate. His claim is rejected. According to the petitioner, he has filed Writ Petition and the same is pending. The learned Addl. G. P. submits that show cause notice has been issued to Jyoti.

4. The relationship of the petitioner with Jyoti who has been issued with the validity certificate is not disputed. It also appears that school record of the father, sister and real aunt of the petitioner records tribe as "Koli Mahadev" (Scheduled Tribe). The committee has relied on the school record of the paternal aunt of the petitioner. The vigilance was conducted when validity was granted to Jyoti and the entry of paternal aunt of Jyoti which the committee disputes was also before the

committee while dealing with validation proceeding of Jyoti.

5. The school entry of the grandfather of the petitioner Bhikaji of the year 1953 records tribe as “Mahadev Koli”. In the vigilance report also the said entry has been found to be genuine.

6. The real cousin of the petitioner namely Jyoti has been issued with the show cause notice by the committee.

7. In the light of that, we pass the following order.

8. The impugned judgment is quashed and set aside. The committee shall issue validity certificate to the petitioner of “Koli Mahadev” (Scheduled Tribe). The said validity certificate shall be subject to the decision that would be taken by the committee in the validity proceedings re-opened of Jyoti real cousin of the petitioner.

9. Writ petition is disposed of. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE