

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

925 WRIT PETITION NO.8143 OF 2020

- 1) Usharani Ganpat Nagrale
- 2) Balaji Rangnath Nagrale
- 3) Pratiksha Shivaji Nagrale

... Petitioners

VERSUS

The State of Maharashtra and others.

Mr Jadhavar Pratap V., Advocate for the petitioners,
Mr. A. B. Chate, A.G.P. for the respondents State.
Mr. M. D. Narwadkar, Advocate for respondent No.3.
Mr. Tukaram Venjane, Advocate for the intervenors.

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

DATE : 10th December, 2020

ORDER:

1. The learned counsel submits that the caste claims of the petitioners of 'Koli Mahadev' Scheduled Tribe are invalidated. The committee has dismissed the proposal of the petitioners for validation of tribe claims by a common judgment.
2. The learned counsel for the petitioners submits that real sister of petitioner No.1 namely Megharani d/o Ganpat Nagrale was also denied validity certificate. Said Megharani filed writ petition bearing No. 9187 of 2019 before the Principal Seat at Bombay. The principal seat at Bombay, under judgment and order dated 21st August, 2019, allowed the said writ petition.
3. We have heard the learned A.G.P. for the Committee and Mr. Venjane, learned Advocate for the intervenors.

4. According to the responses, the petitioners have failed in affinity test. There are contra entries on record.

5. It is not disputed that petitioners are paternal cousin and real sister of petitioner No.1 Megharani has been issued with validity certificate under the order of the Division Bench at the principal seat in Writ Petition No. 9187/2019 dated 21st August, 2019. While allowing the said writ petition, the Court observed thus:

"we have noticed that Ganpat Lingaram Nagrale has already been granted caste validity certificate. Thus in our considered view, the reason assigned by the Committee for rejection of the petitioner's claim cannot be sustained as it runs contrary to the view taken by the Division Bench of this Court in the case of Apoorva Vinay Nichale (supra)

7. In the circumstances, in the light of the law laid down by the judgments in Apoorva Nichale, Anand and Raju Ramsing Vasave (supra), the petitioner is entitled to be granted caste validity certificate forthwith. However, the issuance of the certificate shall be subject to the outcome of the show cause notice which has been issued against Ganpat Lingaram Nagrale by the Committee as the caste validity certificate issued to Ganpat Lingaram Nagrale is found to be based on interpolation / adverse entries."

6. In light of above, we follow the same course.

7. The Committee is directed to issue Tribe validity certificates to the petitioners of 'Koli Mahadev' forthwith.

8. If the proceedings for cancellation of caste validity are answered against such certificate holders, it shall be open for the respondent

Committee to issue show cause notice to the petitioners as to why the validity certificates granted to them should not be cancelled and it will be open for the Committee to take those proceedings to its logical end.

9. Needless to say that the certificates issued to the petitioners are subject to the outcome of the proceedings for cancellation of validity issued in favour of her blood relations.

10. With the aforesaid observations, writ petitions disposed of.

(SHRIKANT D. KULKARNI, J.)

(S. V. GANGAPURWALA, J.)

JPC