

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

WRIT PETITION NO. 8224 OF 2020

Ganesh Ashok Yetewad

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Shri O. B. Boinwad, Advocate h/f Shri A. B. Kharosekar,
Advocate for the Petitioner.

Shri P. K. Lakhotiya, A.G.P. for Respondent Nos. 1 and 2.

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

DATE : 17TH DECEMBER, 2020.

FINAL ORDER :

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

2. Mr. Boinwad, the learned counsel for the petitioner submits that, the real uncle of the petitioner is issued with the validity certificate of Koli Mahadev (S.T.). The vigilance was conducted before issuance of validity to him. The contra entry in the school record of the grandfather of the petitioner namely Vitthal Irba recording tribe as Koli was considered while granting validity to the real uncle of the petitioner namely Sudhakar Vitthalrao Yetewad. The learned counsel submits that, other school entry of Vithalrao bears entry of tribe as Koli Mahadev. The school entries of the real uncle of the petitioner and father of the petitioner record tribe as Koli Mahadev. All

these entries were subject matter of consideration while real uncle of the petitioner was granted validity. The vigilance did not find any interpolation in the case of the real uncle of the petitioner. The learned counsel further submits that, Madhukar Bali and Venkat Narsing are not related to the petitioner, still their contra entries are sought to be relied by the Committee. The learned counsel relies on the judgment of the Apex Court in the case of Apoorva Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee reported in *2010(6) Mh.L.J. 401*.

3. The learned Assistant Government Pleader for respondents /State submits that, Madhukar Bali and Venkat Narsing are the cousin grandfathers and cousin uncle of the petitioner. Their contra entry of Koli in the tribe column is suppressed. The vigilance has found them to be relatives after collecting information from the village. In the school entry of Sudhakar the word Mahadev appears to be interpolated. The petitioner has also failed in the affinity test.

4. We have considered the submissions canvassed by the learned counsel for the respective parties.

5. It appears that, contra entry of Koli recorded in the school record of grandfather of the petitioner namely Vitthalrao was subject matter of consideration while validity was granted to the real uncle of the petitioner. The Committee could not conclusively establish the relationship of Madhukar Bali with the petitioner. The petitioner has categorically denied the

relationship. Show cause notice is already issued to the real uncle of the petitioner.

6. In the light of the above, we pass the following order.

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

8. The writ petition is disposed of. No costs.

[SHRIKANT D. KULKARNI, J.] [S. V. GANGAPURWALA, J.]

bsb/Dec. 20