

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8343 OF 2020
WITH
CIVIL APPLICATION NO. 8556 OF 2020

Vaishnavi D/o Baburao Kurupwad and Anr. ...Petitioners

Versus

The State of Maharashtra and Ors. ...Respondents

Mr S.R. Barlinge, Advocate holding for
Mr O.B. Boinwad, Advocate for Petitioners
Mr K.N. Lokhande, A.G.P. for Respondents-State

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

DATE : 18th DECEMBER, 2020

PER COURT :

1. The caste claim of the petitioners as belonging to "Koli Mahadev" Scheduled Tribe is invalidated.
2. Mr Barlinge, the learned Counsel for the petitioners submits that the father of the petitioners Mr Baburao Kurupwad is issued with the validity certificate of "Koli Mahadev" Scheduled Tribe. The learned Counsel submits that many of the entries considered in this matter as adverse were subject matter of consideration while issuing validity certificate to the petitioners' father.
3. The learned Counsel submits that the old entries of "Koli Mahadev" exist. The name of the cousin grandfather of the petitioners namely, Gyanoba Kurukwad recorded in Perapatrak of 1351 equivalent to the year 1941 is recorded. His caste is mentioned as "Koli Mahadev". The

letters are also issued by the authority issuing said document that the said document is verified and the same is as per office record. The Committee could not have doubted the same. The learned Counsel relied upon the Judgment of the Division Bench of this Court in the case of ***Apoorva d/o Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No. 1 and others*** reported in ***2010 (6) Mh.L.J. 401*** to contend that the validity certificate issued in favour of the near paternal relatives of the petitioners would be a relevant factor.

4. The learned Assistant Government Pleader submits that while issuing validity to the father of the petitioners, the old adverse entries were suppressed. The petitioners have produced the forged documents. The copy of the Pahani Patrak relied by the petitioners is not in tune with the original record. The Vigilance Cell has surveyed the original record. In that, the caste is not mentioned. The petitioners tried to mislead the Committee. The petitioners failed in the affinity test also.

5. It is a matter of record that the father of the petitioners is issued with the validity certificate of "Koli Mahadev" Scheduled Tribe. Many of the entries considered as adverse by the Committee in the present matter were also subject matter of the consideration when validity was issued to the father of the petitioners. In respect of Perapatrak of 1941, the Committee has observed that the caste is not appearing in the original record though in the copy filed by the petitioners, the same appears. The Tahsildar of Mudhol, who had issued the same copy, has given a letter to the Sub-Divisional Officer, Bhokar that the said document is verified from

the record and same is genuine one.

6. It has been held in the case of **Apoorva (supra)**, that the validity certificate issued in favour of the near paternal relatives would be a relevant factor.

7. Considering the aforesaid, we pass the following order :-

ORDER

(i) The impugned order is quashed and set aside to the extent of petitioners.

(ii) The Committee shall issue validity certificate to the petitioners of "Koli Mahadev", Scheduled Tribe.

(iii) The said certificates shall be subject to the decision that would be taken by the Committee in the proceedings re-opened of validity holders relied by the petitioners.

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

9. In view of disposal of writ petition, the civil application also stands disposed of.

[**SHRIKANT D. KULKARNI, J.]**

[**S.V. GANGAPURWALA, J.]**

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