

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

**WRIT PETITION NO. 8344 OF 2020**

Vinaya Sadanand Markante .. Petitioner

**Versus**

The State of Maharashtra and others .. Respondents

Shri Sunil M. Vibhute, Advocate for the Petitioner  
Shri A. B. Chate, A.G.P. for Respondent Nos. 1 and 2.  
Shri T. M. Venjane, Advocate for the Intervener.

**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. Vibhute, the learned counsel for the petitioner submits that, the real paternal uncle of the petitioner namely Ravishankar Mashnaji Markente is issued with the validity certificate of Koli Mahadev (S.T.). The real paternal aunt of the petitioner namely Mainawati D/o Madhavrao Redewad is also issued with the validity certificate of “Koli Mahadev” (S.T.). The vigilance is conducted while issuing validity to these persons. Contra entries were also subject matter of consideration in those proceedings. According to the learned counsel on erroneous ground the validity is refused to the petitioner. 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* to submit that when paternal relatives are granted validity, the same would be relevant fact.

3. The learned Assistant Government Pleader for respondents /State submits that, paternal uncle of the petitioner Ravishankar is issued validity certificate on the basis of validity issued to the maternal relative namely Govind Parmeshu Nilawar. The same would not be relevant. According to the learned A. G. P., the petitioner has failed in the affinity test. Even the school entries of the cousin grandfather of the petitioner Dhondiba Rama, cousin aunt Gangabai Santuka and another cousin grandfather Prakash Santuka, entry of tribe recorded as Koli. All these contra entries were not considered while issuing validity certificate to the paternal uncle and aunt of the petitioner.

4. Mr. Vibhute, the learned counsel for the petitioner further submits that, the paternal uncle of the petitioner namely Ravishankar Markante is issued with the validity certificate after considering all the documents and the validity issued in favour of his paternal relative namely Narsing Naroji Markante.

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

6. The petitioner has denied is relationship with Dhondiba Rama, Gangabai Santuka, Prakash Santuka and Yadav Rama. The committee could not establish the relationship of the

petitioner with these persons, wherein contra entries of Koli are recorded. The real paternal uncle and aunt of the petitioner are issued with the validity certificate of Koli Mahadev (S.T.). The vigilance was also conducted in their cases. The contra entry of the grandfather was also subject matter of consideration.

7. Considering the judgment of the Apex Court in the case of Apoorva Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee (supra), we pass following order.

8. 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 case of real paternal uncle of the petitioner relied by the petitioner.

9. In the light of the above, the writ petition is disposed of. No costs.

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

*bsb/Dec. 20*