

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

944 WRIT PETITION NO. 231 OF 2021

RUTUJA RAJESHWAR KURUKWAD THROUGH FATHER AND
NATURAL GUARDIAN RAJESHWAR PANDURANG KURUKWAD

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner:

S. M. Vibhute h/f. Mr. Chinchole Ghanshyam K.

AGP for Respondents/State: Mrs. M. A. Deshpande

...

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

DATE: 08th JANUARY, 2021

PER COURT:

1. The tribe claim of the petitioner as Koli Mahadev, Scheduled Tribe is invalidated.

2. Heard Mr. Vibhute, learned Counsel for the petitioner and the learned Additional Government Pleader.

3. It is pointed out that the tribe claim of the petitioner is invalidated under the common judgment dated 21.11.2020. Pursuant to the said judgment, tribe claim of four person including the petitioner were invalidated. All those persons are

the paternal relatives of the petitioner. Two of them namely Kum. Vaibhavi and Kum. Vishnavi D/o. Baburao had challenged the said judgment dated 21.11.2020 before this Court in Writ Petition No. 8343 of 2020. This Court under judgment and order dated 18.12.2020 partly allowed the writ petition and directed to issue conditional validity to them.

4. It appears that the relationship of the present petitioner with the petitioners in Writ Petition No. 8343 of 2020 is not a matter of dispute, they are the paternal cousins.

5. In Writ Petition No. 8343 of 2020 this Court under order dated 18.12.2020 observed thus -

"..

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. For the reasons recorded in the aforesaid judgment, we follow the same course and pass the following order.

ORDER

[I] The impugned order is quashed and set aside to the extent of petitioner.

[II] The Committee shall issue validity certificate to the petitioner of "Koli Mahadev", Scheduled Tribe.

[III] The said certificate shall be subject to the decision that would be taken by the Committee in the proceedings re-opened of validity holders relied by the petitioner.

7. Writ Petition is accordingly disposed of. No costs.

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

marathe