

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

**WRIT PETITION NO. 1575 OF 2021**

1. Shivhar S/o Dnyandev Ghante  
Age - 22 years, Occu. Education
2. Sachin S/o Dnyandev Ghante  
Age - 20 years, Occu. Education
3. Shrikrushana Dnyandev Ghante  
Age - 18 years, Occu. Education

All R/o. Ekurga, Taluka Tuljapur,  
District Osmanabad

.. Petitioners

Versus

The State of Maharashtra  
and another

.. Respondents

Mr. D. D. Choudhary, Advocate for the Petitioners.  
Mr. A. R. Kale, AGP for Respondent Nos. 1 and 2.

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

**DATED : 29<sup>th</sup> JANUARY, 2021.**

**PER COURT:-**

. The tribe claims of the petitioners as belonging to “Koli Mahadev” (Scheduled Tribe) are invalidated.

2. Mr. Choudhary, learned counsel for the petitioners submits that the father of the petitioners is issued with the validity certificate of

“Koli Mahadev” (Scheduled Tribe). The paternal cousins namely Gopal Ramesh, Omprakash Ramesh and cousin paternal aunt namely Shrimati Sulochana are also issued with the validity certificates of “Koli Mahadev” (Scheduled Tribe). The learned counsel further submits that one paternal cousin namely Govind S/o Ashok had also applied for validity certificate of “Koli Mahadev” (Scheduled Tribe). The same was invalidated. However, the old document of 1341 fasli of cousin great grandfather of the petitioners was not produced. The same was produced in the case of Gopal. The vigilance was conducted. The vigilance found the document to be genuine. No interpolation was found in the said document. After conducting vigilance the validity was issued. The learned counsel submits that the pre-constitutional documents support the case of the petitioners. The school record of the petitioners father, the petitioners and their other relatives records tribe as “Koli Mahadev” (Scheduled Tribe). The petitioners rely on the judgment of the Division Bench of this Court in case of ***Apoorva Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No. 1 and others***, reported in ***2010 (6) Mh. L. J. 401***.

3. The learned A.G.P submits that the earlier validity holders relied by the petitioners suppressed the invalidation of the tribe claim of Govind S/o Ashok. The validities obtained by suppression of the earlier

invalidation will not carry any meaning. If the invalidation of Govind S/o Ashok would have been brought to the notice of the committee, then the committee would not have validated the tribe claim of the paternal relatives of the petitioners. The learned A.G.P. further submits that the matter be remitted back for conducting vigilance of the documents of the grandfather of Gopal namely Marutirao i.e the death register of 1341 fasli. The petitioners have failed in the affinity test also.

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

5. It appears that the father of the petitioners and other paternal relatives of the petitioners while obtaining validity certificates had not mentioned invalidation of tribe claim of Govind S/o Ashok. It also appears that in case of Govind S/o Ashok pre-constitutional document i.e. the death extract of the grandfather of Gopal namely Marutirao was not placed before the committee wherein the tribe is recorded as “Koli Mahadev”. The old document will have more probative value. There are other contra entries also on record. It appears that those contra entries were subject matter of consideration. It appears that some of the contra entries referred to by the committee in the present matter were subject matter of consideration while granting validity to Gopal.

6. Considering the oldest document of 1341 fasli of which vigilance was also conducted in case of Gopal and the vigilance at that time did not find any interpolation and considering the case of ***Apoorva Vinay Nichale*** (supra), so also the fact that show cause notices are issued to the validity holders and petitioners are seeking admission in the professional course, we pass the following order.

7. The impugned order is quashed and set aside. The committee shall issue validity certificates to the petitioners of “Koli Mahadev” (Scheduled Tribe). The said validity certificates would be subject to the decision that would be taken by the committee in the proceedings re-opened of the validity holders relied by the petitioners and in that event, fresh vigilance in document of 1341 fasli can be conducted.

8. Writ petition is disposed of. No costs.

( SHRIKANT D. KULKARNI )  
JUDGE

( S. V. GANGAPURWALA )  
JUDGE

PS.B.