

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

975 WRIT PETITION NO.1686 OF 2021

DHIRAJ PUNDLIK JATALE

VERSUS

THE STATE OF MAHARASHTRA THRU ITS SECRETARY AND AOTHER

Advocate for Petitioner : Mr Yeramwar Sushant C.

AGP for Respondents State: Mr. P. K. Lakhotiya

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

DATE : 28th January, 2021

ORDER:

1. The caste claim of the petitioner as belonging to Koli Mahadev Scheduled Tribe is invalidated.

2. Mr. Yeramwar, the learned counsel for the petitioner submits that there are 8 to 10 validities in the family of the petitioner. Two of the paternal cousins of the petitioner namely, Siddhant Vithal Jatale and Shubham Vitthal Jatale had applied for the validity certificate of Koli Mahadev Schedule Tribe. The same was invalidated. They filed Writ Petition No. 8388/2019 before this Court. This Court, under judgment and order dated 02.08.2019, allowed the said writ petition.

3. We have also heard learned A.G.P.

4. The respondents do not dispute the relationship of the present petitioner with that of Siddhant Vithal Jatale and Shubham Vitthal Jatale being paternal cousins. In Writ Petition No. 8388/2019, this Court, under judgment and order dated 02.08.2019 had observed thus:

“6. We have considered the submissions. Vinayak s/o Vishwanath, Vishwanath s/o Namdeo and Madhav s/o Nagnath are all paternal relatives of the petitioners is not a disputed fact. The claim of vinayak was invalidated. This Court, under order dated 19.10.2011 in

W.P.No.2534/2005 directed the committee to issue validity certificate to Vinayak of Koli Mahadev (S.T.) setting aside the judgment of the Committee. Madhav's claim was also invalidated on the ground that there are contra entries of Koli in his blood relations on record. He filed WP No. 7417/2007. This Court under order dated 30.07.2008 observed that there are documents showing petitioners blood relations both as Koli and Mahadev Koli. In these circumstances in the case of scheduled Tribe, proper test of tribal traits and characteristics should have been applied. The Court remanded the matter to the Committee, the Committee thereafter, by order dated 29.09.2008, granted validity to Madhav by passing a detailed order and held that he proved the traits and characteristics of Koli Mahadev (S.T.) Vishwanath Namdev is also granted validity certificate by the committee on 20.09.2010.

7. In view of the judgments passed by this Court as referred to above and the validity issued to these persons, it would not be possible to accept the contention of the learned Addl.G.P. about the contra evidence and the rejection of the claim of Ku. Priya Prabhu Jatale."

The court directed to issue validity certificates subject to the decision in the case of validity holders relied by the said petitioner.

5. In light of above, we follow the same course.
6. The impugned judgment of the committee is quashed and set aside.
7. The committee shall issue validity certificate to the petitioner of Koli Mahadev Scheduled Tribe immediately. The said validity shall be subject to the decision that would be taken by the Committee in the proceedings reopened of the validity holders relied by the petitioner.
8. Writ petition disposed of. No costs.

(SHRIKANT D. KULKARNI, J.)

(S.V.GANGAPURWALA, J.)