

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

WRIT PETITION NO. 2276 OF 2021

Sudarshan Suresh Akhadmal

... Petitioner.

Versus

The State of Maharashtra
and others

... Respondents.

....

Mr. Pratap V. Jadhavar, Advocate for the Petitioner.

Ms. V.S. Chaudhari, A.G.P. for Respondents / State.

....

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

DATE : 04th FEBRUARY, 2021

PER COURT:-

1. The caste claim of the petitioner as “Tokre Koli” Scheduled Tribe is invalidated.
2. Mr. Jadhavar, learned counsel for the petitioner submits that the father of the is issued with the validity certificate of “Tokre Koli” Scheduled Tribe. The vigilance was conducted before the issuance of validity to the father of the petitioner. The school record of Manga Baliram and Suresh Manga were also the subject matter of consideration by the vigilance in case of the father of the petitioner. In that case, the vigilance found the caste recorded as “Tokre Koli” in the school record of Manga Baliram so also the father of the petitioner

Suresh Manga. The oldest entry in respect of cousin grandfather namely Devidas in the school record of the year 1948, wherein the caste is recorded as “Tokre Koli”. The learned counsel for the petitioner has placed his reliance on the judgment of the Division Bench of this Court in case of *Apporva D/o. Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1 and others, reported in 2010(6)* and submits that the validity issued in favour of the paternal relatives is a relevant fact.

4. The learned A.G.P. submits that the vigilance has found the entry of caste recorded as “Koli” in the school record of the grandfather of the petitioner and the father of the petitioner. The same are the contra entries. The show cause notice is issued to the father of the petitioner as to why his validity certificate should not be cancelled. The petitioner has failed in the affinity test.

5. We have considered the submissions.

6. It appears that the committee has relied upon the school record of Manga Baliram and Suresh Manga while invalidating the caste claim of the petitioner. The vigilance has found the caste recorded as “Hindu Koli” in their school record. The vigilance in case of the father of the petitioner has observed that the caste recorded as “Hindu Tokre Koli”. In the school record of Manga Baliram, the caste recorded as

“Hindu Tokre Koli”. There are two contrary vigilance report on record. The oldest entry appears to be of year 1948 in the name of the cousin grandfather of the petitioner namely Devidas, wherein the vigilance in the present case has also found caste recorded as “Tokre Koli”. The show cause notice is issued to the father of the petitioner.

7. In the light of that, we pass the following order.

8. The impugned order is quashed and set aside. The committee shall issue validity certificate to the petitioner of “Tokre Koli” Scheduled Tribe immediately.

9. The said validity certificate 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.

10. Writ petition is disposed of. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S.V. GANGAPURWALA)
JUDGE

S.P Rane