

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

WRIT PETITION NO. 2047 OF 2021

Sandhya D/o Balaji Naikwad ... Petitioner.

Versus

The State of Maharashtra
and others ... Respondents.

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Mr. C.R. Thorat, Advocate for the Petitioner.
Mr. S.G. Karlekar, A.G.P. for Respondents / State.

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

DATE : 04th FEBRUARY, 2021

PER COURT:-

1. The caste claim of the petitioners as “Koli Mahadev” Scheduled Tribe is invalidated.
2. Learned counsel for the petitioner submits that the father and the uncle of the petitioner are issued with the validity certificates of “Koli Mahadev” Scheduled Tribe. The vigilance was conducted at the time of issuing validity certificate to the father of the petitioner. The entries on which the committee has relied upon while invalidating the caste claim of the petitioner were the subject matter of consideration while granting the validity to the father of the petitioner. While the vigilance was conducted in the case of the father of the petitioner, the vigilance did not find interpolation. According to the learned counsel

for the petitioner, the entries since 1963 in the school record of the grandfather and the father of the petitioner, records the caste as “Koli Mahadev”. The learned counsel for the petitioner placed 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. Mr. Kale, learned A.G.P submits that the school record of the petitioner’s grandfather Kishan is manipulated. The word “Mahadev” is added in a different ink. The vigilance has found the same and a coloured photo copy is also obtained. There are three school entries of the petitioner’s grandfather Kishan that are found to be interpolated. The vigilance has considered the said aspect. The petitioner also could not prove his affinity test. The validity issued to the father of the petitioner is on the basis of the validity issued to the relatives from the maternal side.

5. It appears that while issuing validity to the father of the petitioner, the vigilance was conducted and the present entries, which the committee found to be interpolated in the school record of the grandfather of the petitioner were also the subject matter of consideration by the vigilance in case of the father of the petitioner. The vigilance report in the case of the father of the petitioner does not detail any interpolation. There are two vigilance report contrary to each other on record. It is also submitted that show cause notices are issued to the father and uncle of the petitioner to whom the validity certificates are issued.

6. In the light of that, we pass the following order.
7. The impugned order is quashed and set aside. The scrutiny committee shall issue validity certificate to the petitioners of “Koli Mahadev” Scheduled Tribe immediately.
8. 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.
9. Writ petition is disposed of. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S.V. GANGAPURWALA)
JUDGE

S.P. Rane