

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

957 WRIT PETITION NO.5584 OF 2021

PRITI DIGAMBAR MORE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. Bayas Anandsingh
AGP for Respondents 1 & 2 : Mr. S.K. Tambe
...

**CORAM : S.V. GANGAPURWALA &
R.N. LADDHA, JJ.**
DATED : 18/11/2021.

PER COURT :

. The caste claim of the petitioner as belonging to 'Koli Mahadev' Schedule Tribe is invalidated.

2. Mr. Bayas, learned counsel for the petitioner submits that the father of the petitioner, grandfather of the petitioner, cousin grandfather of the petitioner, real uncle of the petitioner and many other paternal relatives are issued with the validity certificate of 'Koli Mahadev' Scheduled Tribe. The paternal relatives of the petitioner Shivani Jaywant More and Shweta Jaywant More were also denied the validity certificate. Shivani approached this Court at Principal Seat by filing Writ Petition No.7509/2018. The Division Bench of this Court at Principal Seat under order dated 24th July 2018 allowed the writ

petition. Similarly Shewta also filed Writ Petition No.127/2021 before this Court. The same is allowed by this Court under order dated 7th January, 2021. The learned counsel also relied on the judgment in case of **Apoorva Nichale Vs. Divisional Caste Scrutiny Committee** reported in **(2010) 6 Mh.L.J. 401**. The learned counsel also relied on the decision of the Apex Court in the case of **Anand Vs. Committee for Scrutiny and Verification of Tribe claims**, reported in **(2012) 1 SCC 113** to contend that the affinity test is not the litmus test.

3. The learned AGP submits that there are contra entries on record. The said contra entries are not brought to the notice when the validity is issued to father and grandfather of the petitioner. The petitioner has failed in affinity test also. The petitioner also does not reside where ordinarily persons of 'Koli Mahadev' Scheduled Tribe resides.

4. We have considered the submissions.

5. It is not disputed that the father of the petitioner Digambar, grandfather of the petitioner Bhaurao, the real uncle of the petitioner Kalyan and cousin grandfather of the petitioner Govindrao

are issued with the validity certificate of 'Koli Mahadev' Scheduled Tribe.

6. The paternal relatives of the petitioner namely Shivani Jaywant More and Shweta Jaywant More were also denied the validity certificate. The same are allowed by this Court and directions are issued to the Committee to issue validity certificate, subject to decision that would be taken by the Committee in the proceeding re-opened of the validity holders relied by the petitioner. In the light of that, we follow the same course and pass the following order.

ORDER

- I. The Committee shall issue validity certificate to the petitioner of 'Koli Mahadev' Scheduled Tribe immediately.
- II. 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 petitioner.
- III. Writ petition is disposed of. No costs.

[R.N. LADDHA, J.]

[S.V. GANGAPURWALA, J.]