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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1070 WRIT PETITION NO.5558 OF 2021

PRATIKSHA SAINATH PATODEKAR .. Petitioner
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS .. Respondents

...
WITH

WRIT PETITION NO.5565 OF 2021

PRAGATI SAINATH PATODEKAR .. Petitioner
VERSUS
THE STATE OF MAHARASHTRA & OTHERS .. Respondents

...
WITH

WRIT PETITION NO.5575 OF 2021

AAKANKSHA BABADAS PATODEKAR .. Petitioner
VERSUS
THE STATE OF MAHARASHTRA & OTHERS .. Respondents

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In all the matters :

Advocate for Petitioners : Mr. Sunil M. Vibhute
AGP for Respondents / State : Mr. S.K. Tambe

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**CORAM : S. V. GANGAPURWALA AND
S. G. DIGE, JJ.**

DATE : 16-12-2021

PER COURT :

1. The caste claims of the petitioners as “Koli Mahadev” Scheduled Tribe are invalidated. The petitioners in Writ Petition bearing Nos. 5558 of 2021 and 5565 of 2021 are real sisters, whereas

the petitioner in Writ Petition bearing No.5575 of 2021 is the daughter of the real paternal uncle of the petitioners in other writ petitions.

2. It is submitted that the father of the petitioner in Writ Petition bearing No.5575 of 2021 and real uncle of the other petitioners are issued with the validity certificates of “Koli Mahadev” Scheduled Tribe. The real paternal aunt of the petitioners namely Pramila is also issued with the validity certificate of “Koli Mahadev” Scheduled Tribe. The vigilance was conducted.

3. Validity certificate is issued to Babadas i.e. the father of the petitioner in Writ Petition bearing No.5575 of 2021 and the documents said to be adverse were the subject matter of consideration in his case. His claim was initially invalidated. Thereafter writ petition was filed by him. This Court remanded the matter to the Committee by setting aside the judgment of the Committee. After remand of the matter to the Committee, the Committee issued validity certificate to him. The contra entries which the respondents contend were also the subject matter of consideration in the case of Babadas

4. Learned AGP submits that there are contra entries on record. In relevant record, the caste of the great grandfather's of the petitioner's is recorded as Koli. The same is a contra entry. The other contra entry also appears. The petitioners have failed in the affinity test. The petitioners do not come from the area where the persons of "Koli Mahadev" Scheduled Tribe reside.

5. Upon perusal of the vigilance report in case of Babadas, it transpires that majority entries were the subject matter of consideration. Even the contra entry was considered by the Committee and thereafter validity was issued. The pre-constitutional documents in the name of the grandfather of the petitioner show caste recorded as "Mahadev Koli". The same was verified by the vigilance in the case of the father of the petitioner and no doubt was raised. The show cause notice appears to be issued to Babadas and the real aunt of the petitioners.

6. In light of the validity issued to Babadas and also the real paternal aunt of the petitioners and that the majority entries were the subject matter of consideration before the Committee while issuing validity to Babadas, we pass the following order :

ORDER

(i) The Respondent - Committee shall issue validity certificate to the petitioners as “Koli Mahadev” Scheduled Tribe. The said certificate shall be subject to the decision that would be taken by the Committee in the proceedings reopened for the validity holders, relied by the petitioners.

(ii) Writ Petition is disposed of. No costs.

(S. G. DIGE)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

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