

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

WRIT PETITION NO. 8314 OF 2021

1. Aditya S/o Mukund Gadge,
Age : 18 Years, Occu. : Education,
2. Sumit S/o Maroti Gadge,
Age : 18 Years, Occu. : Education,
3. Sankalp S/o Arun Gadge,
Age : 20 Years, Occu. : Education,
4. Santosh S/o Arjun Gadge,
Age : 20 Years, Occu. : Education,
5. Mukund S/o Gangaram Gadge,
Age : 47 Years, Occu. : Agril.,

All above R/o Gandhi Chowk,
Biloli, Tq. Biloli, Dist. Nanded.

.. Petitioners

Versus

1. The State of Maharashtra,
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai – 32.
2. The Scheduled Tribe Certificate
Verification Committee, Aurangabad,
Through its Member Secretary,
Aurangabad.

.. Respondents

Shri Omgashad B. Boinwad, Advocate for Petitioners.
Shri P. K. Lakhotiya, A.G.P. for Respondent Nos. 1 and 2.

CORAM : S. V. GANGAPURWALA AND
R. N. LADDHA, JJ.
DATE : 20TH OCTOBER, 2021.

ORAL JUDGMENT (Per S. V. Gangapurwala, J.) :-

. Rule. Rule made returnable forthwith. With the consent of parties taken up for final hearing.

2. The tribe claims of petitioners as belonging to 'Koli Mahadev' (Scheduled Tribe) are invalidated.

3. The learned counsel for petitioners submits that, real brother of the petitioner No. 5 namely Sunil is granted validity under the orders of this Court dated 05th May, 2015 in Writ Petition No. 4504 of 2002. The real sister of the petitioner No. 5 namely Snehlata is granted validity under the orders of this Court dated 30th March, 2015 in Writ Petition No. 1792 of 2000. The real uncle of the petitioner No. 1 namely Sunil is issued with the validity certificate under the orders of this Court. The learned counsel submits that, contra entries as sought to be relied by the Committee were subject matter of consideration while granting validities to the near relatives of petitioners. Under common judgment claims of the present petitioners are invalidated. The petitioners are real cousins of each others.

4. Mr. Lakhotiya, the learned Assistant Government Pleader submits that, there is suppression of contra entries in case of

near relatives of the petitioners. In view of that, the Committee was well within its powers to consider it. Some of the validities relied by the petitioners are reopened for enquiry. The proposal is forwarded to review the judgment of this Court.

5. Once this Court has granted validity to real sister and brother of the petitioner No. 5 and real uncle of the petitioner No. 1, it was unjust on the part of the respondent Committee to invalidate. All the petitioners are paternal relatives of each others. The respondent/Committee could not have taken a different view and sat over the judgment of this Court.

6. In the light of that, the impugned judgment is quashed and set aside. The Committee shall issue validity certificates to the petitioners of Koli Mahadev (Scheduled Tribe) immediately. In case the judgments of this Court as referred to above are reviewed, then the validities issued in favour of the present petitioners would be subject to the decision in the said proceedings.

Rule is made absolute in above terms. No costs.

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]