

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

WRIT PETITION NO. 11158 OF 2017

Vrishikesh S/o Gorakshanath Sapkale ... Petitioner.

Versus

The State of Maharashtra
and another ... Respondents.

....

Mr. Bhausahab S. Deshmukh, Advocate for the Petitioner.
Ms. V.S. Chaudhari, A.G.P. for Respondent Nos.1 and 2.

....

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

DATE : 04th FEBRUARY, 2021

PER COURT:-

1. Amongst the various contentions, one of the contention of the learned counsel for the petitioner is that the real brother of the petitioner Raj S/o Gorakshnath had applied for the validity certificate. The same was rejected. The same was challenged in Writ Petition(Stamp) No. 375 of 2021. This Court under order dated 19.01.2021, allowed the writ petition and directed the committee to issue validity certificate of "Tokre Koli" Schduled Tribe immediately.

This Court, while passing the order in Writ Petition (Stamp) No.375 of 2021 under order 19.01.2021, observed thus:

“5. It is a matter of record and fact that the father of the petitioner, real uncle of the petitioner and son of another real uncle of the petitioner are issued with the validity certificate of ‘Tokre Koli’ - Scheduled Tribe. The vigilance report in case of father of the petitioner Gorakshnath is placed on record. It appears that the contra entries of Koli appearing in the school record of Gorakshnath and Tulshiram were subject matter of consideration while granting validity certificate to Gorakshnath, father of the petitioner.”

6. It is also further observed by the Committee that the show cause notices are issued to the validity holders relied by the petitioners.”

2. In the light of that, we follow the same course and pass the following order.

3. The impugned order qua the petitioner is quashed and set aside.

4. The Committee shall issue validity certificate to the petitioner of 'Tokre Koli' - Scheduled Tribe immediately.

5. 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.

6. Writ Petition disposed of. No costs.

7. Authenticated copy be given.

(SHRIKANT D. KULKARNI)
JUDGE

(S.V. GANGAPURWALA)
JUDGE

S.P Rane