

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

1103 WRIT PETITION NO.10966 OF 2021

ANUSHKA ATMARAM BHUSE
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS

...
Advocate for Petitioner : Mr. Sunil M. Vibhute.
AGP for Respondent/State: Mr. K. N. Lokhande.
Advocate for Respondent No.3: Mr. M. D. Narwadkar.
...

CORAM : **S. V. GANGAPURWALA &
R. N. LADDHA, JJ.**

DATE : 27th October, 2021.

PER COURT:

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

2 The learned counsel submits that the father of petitioner has been issued with validity certificate of Koli Mahadev Scheduled Tribe after conduct of vigilance and considering all the entries. Some of the contra entries, which are considered by the Committee in the present matter, were also subject matter of consideration at the time of granting validity to the father of petitioner. The real paternal aunt of petitioner Anita is also issued with validity certificate of Koli Mahadev Scheduled Tribe. There are other paternal relatives, who have been issued with the validity certificate of Koli Mahadev Scheduled Tribe.

3 The learned counsel submits that there was no reason for
negating the claim of the petitioner.

4 The learned AGP submits that there are various contra
entries on record of the near paternal relatives of petitioner that were
suppressed in the earlier proceedings. The entry in the name of
grandfather of petitioner Bhimrao of the year 1953 showing caste Koli
Mahadev in the school record, cannot be affirmed as the said record is
not available as per the statement in the vigilance of the present case.
According to the learned AGP, the contra entries on record do not
entitle the petitioner with the validity certificate. The petitioner has
failed in the affinity test also.

5 We have considered the submissions.

6 The father of petitioner has been issued with validity
certificate of Koli Mahadev Scheduled Tribe. While the vigilance was
conducted in the case of father, the vigilance has verified the school
record of the grandfather of present petitioner Bhimrao of the year
1953 and has affirmed that the entry Koli Mahadev exist in the caste
column in the school record of the grandfather of petitioner. In the
present case, the vigilance does not find the record. The contra entry
in the case of Nagnath Maruti and Tukaram Bhimrao were also subject
matter of consideration when the father of petitioner was issued with

validity certificate. The real paternal aunt of petitioner Anita is also issued with validity certificate. There are other paternal relatives also who have been issued with validity certificate viz Dhondiba Maruti, Yogesh Babruwan, Balaram Babruwan. Show cause notices are issued to the validity holders relied by the petitioner.

7 In view of that, we pass the following order:

ORDER

- I. The Committee shall issue validity certificate to the petitioner of Koli Mahadev Scheduled Tribe.
- II. The said certificate shall be subject to the decision that would be taken by the Committee in the proceedings reopened of the validity holders relied by the petitioner.
- III. The writ petition is disposed of. No costs.

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]

nga