

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

WRIT PETITION NO. 210 OF 2021

Rohit Rajesh Bhange

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Mr. O. B. Boinwad, Advocate for the Petitioner.

Mrs. M. A. Deshpande, Addl. G. P. for Respondent Nos. 1 and 2.

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

DATED : 08th JANUARY, 2021.

PER COURT:-

. The tribe claim of the petitioner as belonging to “Koli Mahadev” (Scheduled Tribe) is invalidated.

2. Mr. Boinwad, learned counsel for the petitioner submits that the father of the petitioner namely Rajesh Sonaji is issued with the validity certificate of “Koli Mahadev” (Scheduled Tribe). The real uncle of the petitioner namely Ravikumar is also issued with validity certificate of “Koli Mahadev” (Scheduled Tribe). The paternal cousins of the petitioner namely Archana D/o Govind and Sangita D/o Govind are also issued with the validity certificate of “Koli Mahadev” (Scheduled Tribe). The contra entries standing in the name of Sonaji Tulshiram, the

grandfather of the petitioner, so also cousin grandfather of the petitioner namely Govind Gunaji were subject matter of consideration while granting validity to Archana D/o Govind. There is no suppression of fact. The show cause notice is issued to the father of the petitioner and uncle of the petitioner. The learned counsel relies on the judgment of this Court in a case of ***Apoorva Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No. 1 and others***, reported in ***2010 (6) Mh. L. J. 401***.

3. The learned Addl. G. P. submits that the petitioner has not referred to the validity certificates of Archana and Sangita. In their proceedings they relied on the validity issued to their father. The father of the petitioner is issued validity on the basis of validity issued to one Sangita and others. In the genealogy the branch of Sangita and Archana are not shown by the petitioner. There are other contra entries that of Saheb Tulshiram, Pralhad Tulshiram and Nilu Tulshiram considered. The committee has considered all the aspects in it's correct perspective.

4. We have gone through the judgment. It is a matter of record that father of the petitioner and real uncle of the petitioner are issued with the validity certificates. The paternal cousins of the petitioner namely Archana D/o Govind and Sangita D/o Govind are also issued with the

validity certificates. The vigilance was conducted in case of Archana. The contra entries standing in the name of grandfather of the present petitioner namely Sonaji and cousin grandfather of the petitioner namely Govind Gunaji were also subject matter of consideration while granting validity to Archana. The show cause notice is issued to the father of the petitioner and the uncle of the petitioner. Considering the judgment in a case of *Apoorva Vinay Nichale* (supra), we pass the following order.

5. The committee shall issue validity certificate to the petitioner of “Koli Mahadev” (Scheduled Tribe). The said validity certificate shall be subject to the decision that would be taken by committee in the proceedings re-opened of the validity holders relied by the petitioner.

6. Writ petition accordingly is disposed of. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

PS.B.