

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

1015 WRIT PETITION NO. 9046 OF 2020

**RUTUJA DEVANAND MEKALE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for Petitioner:

**Mr. A. S. Golegaonkar h/f. Mr. Palnitkar S. R.
AGP for Respondents No. 1 to 3 & 5:**

Mr. P. S. Patil

**Advocate for Respondent No. 4: Mr. R. B. Bhosle
Advocate for Respondent No. 6: Mr. S. G. Karlekar**

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

DATE: 14th JANUARY, 2021

PER COURT:

1. The tribe claim of the petitioner as Koli Mahdev, Scheduled Tribe is invalidated.

2. Mr. Golegaonkar, learned Counsel for the petitioner submits that the validity certificate is issued in favour of the father of the petitioner after conducting vigilance. The entries in the school record of the petitioner's father, petitioner's paternal aunt, petitioner's grandfather were all subject matter of consideration while granting validity to the

father of the petitioner. The learned Counsel submits that the Committee has relied upon the entries of some of the persons who are not relatives of the petitioner. The petitioner has denied the relationship. The learned Counsel relies on the judgment of the Division Bench of this court in case of **Apoorva Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No. 1 and others** reported in 2010 (6) Mh.L.J. 401.

3. Mr. Patil, the learned Additional Government Pleader submits that there are numerous documents showing the entry Koli. Even entry in the school record of the petitioner's father Devanand and petitioner's paternal aunt records caste as Koli; word Mahadev has been subsequently added. The difference in the ink is clearly visible. The learned A.G.P. further submits that the petitioner relied on the school entry of his grandfather Baburao. When the vigilance visits the school they could not find the register and some other person's name appeared at that serial number. The learned A.G.P. submits that the statement of one

Narsing Laxman has been recorded, he has given the genealogy. The same is separate from the one given by the petitioner. This shows that the petitioner is misleading.

4. Mr. Golegaonkar, the learned Counsel submits that the petitioner was never served with the copy of the statement of Narsing Laxman. The relationship as has been submitted has been subsequently denied.

5. We have considered the submissions canvassed by the learned Counsel for respective parties.

6. It is a matter of record that while granting validity to the father of the petitioner vigilance was conducted and the school record of the petitioner, his father, grandfather and sister were subject matter of consideration by the committee. In the said vigilance report, nowhere interpolation has been narrated by the vigilance. There would be two vigilance reports contrary to each other. The validity is already issued to the father of the petitioner. The show cause notices

are already issued to the father of the petitioner as to why his validation proceeding should not be re-opened.

7. Considering the above, we pass the following order.

8. The impugned order is quashed and set aside.

9. The committee shall issue validity certificate to the petitioner of Koli Mahadev, Scheduled Tribe immediately. The said validity certificate shall be subject to the decision that would be taken in the proceedings re-opened of the validity holders relied by the petitioner.

10. Writ Petition is accordingly disposed of. No costs.

[SHRIKANT D. KULKARNI, J.]

[S. V. GANGAPURWALA, J.]

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