

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

WRIT PETITION NO. 127 OF 2021

Shweta Jaywant More

.. Petitioner

Versus

The State of Maharashtra and ors.

.. Respondents

Mr Anandsingh Bayas, Advocate for petitioner

Mr S.P. Tiwari, A.G.P. for respondent-State

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

DATE : 7th January 2021

PER COURT :

1. The caste claim of the petitioner as Koli Mahadev is invalidated.
2. Mr Bayas, amongst various submissions submits that the real sister of the petitioner namely Shivani Jaywant More had also applied for issuance of validity certificate. The same was invalidated by the Committee. Said Shivani Jaywant More had filed Writ Petition bearing No. 7509 of 2018 before the principal seat. The Division Bench at principal seat under order dated 24.07.2018 directed grant of conditional validity.
3. The learned Counsel for the petitioner submits that the paternal cousin of the petitioner namely Kailas Uttamrao More is issued with the validity certificate. His proceeding is reopened and on the basis of which conditional validity has been granted. The proceedings reopened of Kailas Uttamrao More is still pending.
4. Mr Tiwari, learned A.G.P. accepts that the validation proceeding reopened of Kailas Uttamrao More is still pending.
5. The Division Bench of this Court at the principal seat in Writ Petition No. 7509 of 2018 under order dated 24.07.2018 observed thus :

"6. The learned Government Pleader submits that since interpolation is noticed in the school record of Petitioner's **paternal uncle Shri Kailas Uttamrao More**, the Committee has issued a show cause notice to him. We find that the Committee has not recorded specific findings as regard possibility of some interpolation. Be that as it may, we have noticed that the Petitioner's **paternal uncle Shri Kailas Uttamrao More** has already been granted caste validity certificate. Thus in our considered view, the reason assigned by the Committee for rejection of the petitioner's claim cannot be sustained as it runs contrary to the view taken by the Division Bench of this Court in the case of **Apoorva Vinay Nichale (supra)**.

7. In the circumstances, in the light of the judgment in the case of law laid down in the cases of **Apoorva Nichale, Anand vs. Committee and Raju Ramsing Vasave** (supra), the Petitioner is entitled to be granted caste validity certificate forthwith. However, the issuance of the certificate shall be subject to the outcome of the show cause notice which has been issued against the Petitioner's **paternal uncle Shri Kailas Uttamrao More** by the Committee as the caste validity certificate issued to him is found to be based on interpolation/adverse entries.

6. In light of above, we follow the same course.

7. The Committee shall issue validity certificate to the petitioner of Koli Mahadev - Scheduled Tribe immediately.

8. 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.

9. Writ Petition disposed of. No costs.

(**SHRIKANT D. KULKARNI, J.**)

(**S.V. GANGAPURWALA, J.**)