

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

WRIT PETITION NO. 13423 OF 2021

Vaibhav Jivanrao Rajgirwad

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Mr. Sunil M. Vibhute, Advocate for the Petitioner.

Mr. S. K. Tambe, AGP for Respondent Nos. 1 and 2.

Mr. M. D. Narwadkar, Advocate for Respondent No. 3.

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

DATED : 04th December, 2021.

PER COURT:-

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

2. Amongst other submissions, one of the submission of Mr. Vibhute, learned counsel for the petitioner is that the real brother of the petitioner namely Vishal had also applied for issuance of validity certificate. His claim was invalidated by the committee. The real brother of the petitioner namely Vishal filed Writ Petition No. 9012 of 2019 at the Principal Seat at Bombay. The Division Bench of this Court at the Principal Seat at Bombay under judgment and order dated 20.08.2019 allowed the writ petition and directed the committee to

issue conditional validity to Vishal.

3. The learned A.G.P. submits that there are contra entries on record. The petitioner has failed in the affinity test.

4. The relationship of the petitioner with Vishal is not disputed. Vishal s/o Jivanrao is the real brother of the petitioner. He had filed writ petition against the invalidation of his tribe claim bearing Writ Petition No. 9012 of 2019 before the Principal Seat at Bombay. The Division Bench of this Court at the Principal Seat at Bombay directed the committee to issue validity certificate to him.

5. In the light of the judgment of the Division Bench of this Court at the Principal Seat at Bombay in case of real brother of the petitioner, we follow the same course.

6. 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 the committee in the proceedings reopened of the validity holders relied by the petitioner.

7. Writ petition is disposed of. No costs.

(R. N. LADDHA)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

RS.B.