

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1007 WRIT PETITION NO.14035 OF 2021

Shivani Vasant Sambutwad .. Petitioner
Versus
The State Of Maharashtra and Others .. Respondents

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Advocate for Petitioner : Mr. Pratap V. Jadhavar
AGP for Respondents / State : Mr. S.B. Pulkundwar
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CORAM : S. V. GANGAPURWALA AND
S. G. DIGE, JJ.

DATE : 14-12-2021

PER COURT :

1. The tribe claim of the petitioner as belonging to 'Koli Mahadev' Scheduled Tribe is invalidated.

2. The learned Counsel for the petitioner submits that the real sister of the petitioner namely Aishwarya d/o. Vasant Sambutwad had also applied for the validity certificate, but the same was invalidated. She had filed Writ Petition bearing No.2472 of 2021. This Court under order dated 10-02-2021 allowed the said writ petition directing issuance of validity certificate. The paragraph nos.2 to 5 of the said order are as under:

"2. The learned counsel for the petitioners submits that there are 12 validity certificates issued in favour of paternal relatives of the petitioners. The

father of the petitioners, real uncle and real aunt and others are issued with the validity certificates. The real uncle of the petitioners Chandrakant has issued with the validity certificate in the year 1980. Rajesh the son of Chandrakant is issued with the validity certificate under the order of this Court in writ petition No.3268 of 1996 dated 11.07.1996. 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 to submit that validity granted to the paternal relatives is a relevant fact.

3. Mr. Lakhotiya, learned A.G.P submits that real uncle of the petitioner namely Vasant Irrana had also applied for issuance of validity certificate. His claim was invalidated in the year 1984. The said fact is suppressed by the petitioner and the other family members of the petitioner and obtained validity certificates. There are contra entries on record to establish that the petitioner does not belong to "Koli Mahadev" Scheduled Tribe. The petitioner failed in the affinity test.

4. We have considered the submissions.

5. It is the matter of record that the father of the petitioners, real paternal uncle, real aunt and the son of the real uncle of the petitioners are issued with the validity certificates of "Koli Mahadev" Scheduled Tribe. The cousin brother of the petitioners namely Rajesh Chandrakant is issued with the validity certificate under the order of this Court in writ petition No.3268 of 1996 dated 11.07.1996. It also further appears that the show cause notices are issued to the validity holders relied by the petitioner."

3. This Court under order dated 10-02-2021 in Writ Petition No.2472 of 2021 directed the Committee to issue validity certificate to Aishwarya - real sister of the petitioner.

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4. In light of that, we pass the following order:

ORDER

(i) The Committee shall issue validity certificate to the petitioner of “Koli Mahadev” Scheduled Tribe. The said validity certificate would be subject to the decision that would be taken by the Committee in the proceedings reopened for the validity holders relied by the petitioner.

5. The Writ Petition is disposed of. No costs.

(S. G. DIGE)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

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