

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

181 WRIT PETITION NO.14103 OF 2021

YUVRAJ NAGNATH GHISEWAD
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER
AND

183 WRIT PETITION NO.14129 OF 2021

ADITYA VYANKATESH GHISEWAD
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Mr.P.D. Bachate, advocate for the petitioners.
Mr.A.R. Kale, AGP for the respondent/State.

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CORAM : S.V. GANGAPURWALA
AND
S.G. DIGE, JJ.

DATE : 20th DECEMBER, 2021

PER COURT :-

. The petitioners herein are the paternal cousins. Their claims as belonging to Koli Mahadev (Scheduled Tribe) are invalidated under common judgment.

2. It is contended by the learned advocate for the petitioners that the father of the petitioner in Writ Petition No.14103 of 2021 namely Nagnath is issued with the validity certificate of Koli Mahadev, Scheduled Tribe. Real brother of the petitioner Yuvraj namely Tirumal and real sister Neha are issued with the validity certificate of Koli Mahadev, Scheduled

Tribe. Another real sister of the petitioner Yuvraj namely Neeta had applied for validity certificate. Her claim was invalidated. She filed Writ Petition bearing No.2938/2019. This Court under order dated 10.07.2019 has allowed the writ petition and directed the Committee to issue validity certificate to her. The learned advocate submits that some of the contra entries were subject matter of consideration before this Court in case of Neeta. According to the learned advocate, Vijaya Kisanrao Ghisewad, cousin paternal aunt of the petitioner is also issued with validity certificate of Koli Mahadev, Scheduled Tribe by the Scrutiny Committee. Some of the persons allegedly relatives are in fact not relatives of the petitioner namely Rajaram Datta Koli, Sambha Gangaram and Maruti Manika.

3. The learned A.G.P. submits that in case of Nagnath, this Court had held that the claim of Nagnath was validated earlier and validity certificate has been accordingly issued and on that count subsequent invalidation was set aside and not on merit. The learned A.G.P. further submit that, there are contra entries on record. The same has been found by the vigilance Cell in the present case. All these contra entries were not the subject matter consideration before this Court and also in respect of the paternal

relatives namely Vijaya, Tirumala and Neha. The petitioner has failed in affinity test also.

4. We have considered the submissions.

5. The petitioner is real brother of Neeta. The relationship of the petitioner with Neeta is not disputed. The caste claim of Neeta was invalidated by the Scrutiny Committee. She filed Writ Petition bearing No.2938/2019 before this Court. This Court under order dated 10.07.2019 allowed the said writ petition and directed the Committee to issue validity certificate to her as belonging to Koli Mahadev, Scheduled Tribe.

6. The father of the petitioner Yuvraj namely Nagnath had also approached this Court by filing Writ Petition No.6932/2004. The case was that his claim was earlier validated and subsequently the order of invalidation was issued. This Court under judgment dated 21.09.2006 in the said Writ Petition set aside the order of invalidating the caste claim of Nagnath and directed the Scrutiny Committee to issue validation certificate. In case of Neeta some of the contra entries were subject matter of consideration. Even Vijaya cousin aunt whose school entry records as Koli was also issued with the validity certificate. Other two real brother

and sister, namely, Tirumala and Neeta are issued with validity certificates by the Scrutiny Committee.

7. In the light of aforesaid facts and more particularly in the case of Neeta, this Court under order dated 10.07.2019 has directed the Committee to issue validity certificate to her, we pass the following order :-

ORDER

(i) The Committee shall issue validity certificate to the petitioner of "Koli Mahadev", Scheduled Tribe immediately.

(ii) If the judgment of this Court in the case of Neeta is reviewed, the present order would be subject to the decision in the case of Neeta.

(iii) Writ Petition is accordingly disposed of. No costs.

(S.G.DIGE, J.)

(S.V. GANGAPURWALA, J.)