

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

WRIT PETITION NO. 14277 OF 2021

Dnyanjyoti Dnyanoba Kamble
and another

.. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Shri Pratap V. Jadhavar, Advocate for Petitioners.

Shri K. N. Lokhande, A.G.P. for Respondent Nos. 1 and 2.

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

DATE : 17TH DECEMBER, 2021.

FINAL ORDER :

. The caste claims of petitioners as belonging to “Koli Mahadev” (Scheduled Tribe) are invalidated.

2. The learned counsel for the petitioner submits that, father of the petitioners is issued with the validity certificate of Koli Mahadev (S.T.). All the documents which are referred in the present case were subject matter of consideration by the Committee while deciding caste claim of the father of the petitioners. Vigilance was also conducted. All these documents were verified by the vigilance committee. The report was submitted. The vigilance committee in the said vigilance report did not find any interpolation of the entries. Now in the present case vigilance report contends otherwise. According to the

learned counsel, when all these entries were considered by the vigilance committee and the scrutiny committee earlier, the respondent/Committee cannot take a different view. The learned counsel relies on the judgment of the Division Bench of this Court in a case of Apoorva Nichale Vs. Divisional Caste Certificate Scrutiny Committee reported in *2010(6) Mh.L.J. 401*.

3. The learned counsel submits that, once earlier vigilance is considered, same is also required to be considered.

4. The learned Assistant Government Pleader for respondents submits that, though all these documents on record were subject matter of consideration when the father of petitioners was issued with the validity certificate, however, vigilance at the relevant time did not scrutinize the record properly, nor it had recorded the statement of the Head Master. According to the learned A. G. P. the committee has taken out colour photo copies and the interpolation is writ large. The interpolations have been considered by the Committee. In addition to the same, the learned A. G. P. submits that, the petitioners have also failed in the affinity test.

5. It is not disputed that, the father of the petitioners is issued with the validity certificate of Koli Mahadev (S.T.) and the documents in the present case were subject matter of consideration by the committee when the father of the petitioners was issued with the validity certificate. Even vigilance was

conducted in respect of all those documents and the vigilance report does not discuss any contra evidence or interpolations. Whereas, vigilance report in the present case with regard to the same documents is suggesting interpolations. There are two vigilance reports against each others. The father of the petitioners is already issued with the validity certificate based on the same documents.

6. If the father of the petitioner is issued with the validity, the same would be relevant fact. Reference can be had to the judgment of the Division Bench of this Court in a case of **Apoorva Nichale Vs. Divisional Caste Certificate Scrutiny Committee** (*supra*).

7. In the light of the above, we pass following order.

8. The respondent/Scrutiny Committee shall issue validity certificates to the petitioners of Koli Mahadev (Scheduled Tribe). The said validity certificate would be subject to the decision that would be taken by the committee in the reopened proceedings of the father of the petitioners.

9. In view of the above, the writ petition is disposed of. No costs.

[S. G. DIGE, J.]

[S. V. GANGAPURWALA, J.]