

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

78 WRIT PETITION NO.14374 OF 2021

SACHIN MAROTI GONDALWAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Mr.V.U. Jadhav, Advocate for petitioner
Mr. S.P. Tiwari, AGP for the respondent/State.

...

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

DATE : 20th DECEMBER, 2021

PER COURT :-

1. At the request of the learned advocate for the petitioner leave to amend.

2. The caste claim of the petitioner is invalidated.

3. Amongst other submissions one of the submission of learned advocate for the petitioner is that real brother of the petitioner Tirupati S/o Maroti Gondalwad had also applied for validity certificate of "Koli Mahadev", Scheduled Tribe. The claim was invalidated. He filed Writ Petition bearing No.9182 of 2019 before the Principal Seat at Bombay. The Division Bench at the Principal Seat under the judgment and order dated August 21, 2019 directed the Committee to issue the validity certificate to him.

4. The learned A.G.P. does not dispute the relationship of the petitioner with that of Tirupati S/o Maroti Gondalwad as a real brother. In the light of the judgment delivered in case of real brother of the petitioner dated 21st August, 2019 in Writ Petition No. 9182 of 2019, we follow the same course.

5. The Committee shall issue the validity certificate to the petitioner of Koli Mahadev, Scheduled Tribes immediately.

6. The said validity certificate will be subject to the decision that would be taken by the Committee in the proceedings re-opened of the validity holders relied upon by the petitioner.

7. The Writ Petition is accordingly disposed of. No costs.

(S.G.DIGE, J.)

(S.V. GANGAPURWALA, J.)