

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

04 **WRIT PETITION NO. 14454 OF 2021**

PRIYANKA HARIRAM PUTTHEWAD AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Mr. Pratap V. Jadhavar, Advocate for the petitioners.
Mr. P. S. Patil, Addl. G. P. for the respondent/State.
Mr. M.D. Narwadkar, Advocate for respondent No. 3

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

DATE : 22nd DECEMBER, 2021

PER COURT :-

1. The tribe claims of the petitioners as 'Koli Mahadev' Scheduled Tribe is invalidated.
2. The learned counsel for the petitioners submits that the caste claim of the father of petitioner No. 1 is also invalidated by the Committee. He filed writ petition No.4713 of 2004. This Court under Judgment dated July, 28, 2004 allowed the petition and directed the Committee to issue validity certificate to him. There are (11) validity certificates issued in the paternal family of the petitioners. The learned counsel further submits that contra entries referred to by the Committee in the present case were subject matter of the consideration while issuing validity certificates to Dnyeswhar Vishnudas father of the petitioner No. 2 herein.
3. The learned AGP submits that contra evidence is on record. The petitioners failed in the affinity test. The Committee has considered all the aspects of the matter.

4. It is not disputed that petitioner No.1 's father is issued with validity certificate under orders of this Court. Father of petitioner No. 2 is also issued with validity certificate. The father of petitioner No. 3 is also issued with validity certificate by the Committee. There are (11) validity certificates issued in the family of the petitioners and those are close paternal relatives of the petitioners. It appears that contra entries were subject matter of consideration while issuing validity certificate to the father of petitioner No. 2, therefore, it cannot be said that contra entries were suppressed.

5. The Division Bench of this Court in the case of *Apporva Vinay Nichale Versus Divisional Caste Certificate Scurtiny Committee No.1 and others* reported in *2010 (6) Mh.L.J. 401* has held that validity issued to the paternal relatives is a relevant fact.

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

- (ii) The committee shall issue validity certificates to the petitioners of "Koli Mahadev" Scheduled Tribe.
- (ii) The said validity certificates shall be subject to the decision that would be taken in the re-opened proceedings of the validity holders relied upon by the petitioners so also judgment in the case of father of petitioner No. 1 in writ Petition No. 4713 of 2004, dated July, 28, 2004.

7. Writ petition is accordingly disposed of. No costs.

(S.G. DIGE)
JUDGE

mtk

(S.V. GANGAPURWALA)
JUDGE