

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.1197 OF 2022**

UNMESH YOGANAND GANDHALE AND ANOTHER ..PETITIONERS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. S. M. Vibhute, Advocate for the Petitioners.

Mr. S. K. Tambe, AGP for Respondents-State.

Mr. M. D. Narwadkar, Advocate for Respondent No.3.

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WITH

**CIVIL APPLICATION NO.971 OF 2022
IN WP/1197/2022**

ORGANIZATION FOR RIGHTS OF TRIBLE THROUGH ITS PRESENT
MAROTI PUNDLIK DHANVE ..APPLICANT

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. Joslyn Menzes h/f Mr. S. N. Lale Yelwatkar,
Advocate for the Applicant.

Mr. S. M. Vibhute, Advocate for Petitioner in WP.

Mr. S. K. Tambe, AGP for Respondents-State.

Mr. M. D. Narwadkar, Advocate for Respondent No.3
in WP.

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

DATED : 16th FEBRUARY, 2022.

PER COURT:-

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

2. The learned counsel for petitioners submits that, father of petitioners is issued with the validity certificate of 'Koli Mahadev', Scheduled Tribe after conducting vigilance. The

oldest record in the name of paternal cousin grandfather namely Uddhav Ganpat Gandhale of the year 1959 was verified by the Committee and the vigilance while issuing validity to the father of the petitioner. The vigilance did not find any interpolation in the same. Now in the present case, the vigilance takes a contradictory stand. According to the learned counsel, the uncle and the three paternal cousins of petitioners are issued with the validity certificates of 'Koli Mahadev', Scheduled Tribe. In the revenue record Kachari is not recorded as caste. The same appears in front of name of petitioners. The learned counsel relies on the judgment of the Division Bench of this Court in a case of **Apoorva Nichale Vs. Divisional Caste Scrutiny Committee** reported in (2010) 6 Mh.L.J. 401.

3. The learned A.G.P. submits that, in the present case vigilance minutely considered the documents of the Uddhav Ganpat Gandhale and came to the conclusion that, the same appears to be interpolated. The revenue record of great grandfather and cousin grandfathers of petitioners record caste as Kachari. The contra entries are writ large. The show cause notices are issued to the validity holders relied by petitioners.

4. It appears that, entry of the year 1959 in the school record of Uddhav Ganpat Gandhale is oldest entry. While issuing validity to the father of petitioners vigilance was conducted. The said

entry was subject matter of scrutiny. The vigilance submitted the report and did not find any interpolation. In the present case, the report of the vigilance is that, the said entry appears to be interpolated. There are two contrary vigilance report in respect of the same entry. As per petitioners, in the revenue record Kachari is not recorded as caste, but it is just recorded in the place of surname.

5. Considering the oldest entry of Uddhav Ganpat Gandhale of the year 1959, so also the other entries in the school record, we pass the following order:

ORDER

A. The Committee shall issue validity certificate to petitioners of 'Koli Mahadev', Scheduled Tribe.

B. The said validity certificate shall be subject to the decision that may be taken by the Committee in the proceedings reopened of the validity holders relied by petitioners.

6. Writ Petition is disposed of. No costs.

7. In view of disposal of Writ Petition, the present Civil Application is also disposed of.

(S. G. DIGE)
JUDGE

(S. V. GANGAPURWALA)
JUDGE