

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1044 WRIT PETITION NO. 1290 OF 2022

SHUBHAM SHIVAJI YESHWANT
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS

...
Advocate for Petitioner : Ms. Pradna Talker h/f
Talekar And Associates
AGP for Respondent Nos 1 to 3 : Mr. A.R. Kale
Advocate for Respondent no. 4 : Mr. M.D. Narwadkar

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CORAM : S. V. GANGAPURWALA AND
S. G. DIGE, JJ.
DATE : 17th FEBRUARY, 2022

PER COURT :-

1. The tribe claim of the petitioner as belonging to 'Koli Mahadev', Scheduled Tribe is invalidated.
2. Ms. Talekar, learned counsel for the petitioner submits that paternal uncle of the petitioner, namely, Hanumant is issued with validity certificate. In the School record of Hanumant, his caste is recorded as 'Mahadev Koli'. No interpolation is found. The vigilance was conducted. The document of the year 1955 i.e. agreement between the cousin grandfather of the petitioner, namely, Yedba and other was placed on record, the same was in Urdu script with translation. The Committee has considered the said document and has accepted it. In the said document, caste is recorded as 'Koli Mahadev'.
3. The learned counsel submits that contra entry appears to be of paternal aunt of the petitioner of the year 1984-85. The entry of 1979-80 in the school record of the paternal uncle and father of the petitioner clearly show the caste as 'Koli Mahadev.' There is no interpolation found by the Vigilance Cell and Committee also. In case of the grandfather and cousin uncle of the petitioner the caste is recorded as 'Hindu' and

the same could not be considered as a contra entry.

4. Mr. Kale, learned AGP for the respondents submits that entries do not inspire confidence. So far as entry in respect of the uncle of the petitioner of the year 1980, there appears to be some interpolation. Hanumant is granted validity on the basis of validity granted to the persons, who are not relatives. As such, said validity cannot be relied upon.

5. Relationship of the present petitioner with Hanumant is not disputed. The school record of the petitioner's father of the year 1980 records caste as 'Koli Mahadev' and of the year 1976 as 'Hindu'. Hanumant's school record of the year 1979 shows the caste as 'Koli Mahadev.' No interpolation is found in the said entry.

6. While granting validity to Hanumant vigilance was conducted and the documents of the year 1955 was placed on record. Neither Vigilance nor the Committee found the document to be suspicious and said document is accepted and relied on by the vigilance in the said case. The said document is old document.

7. Considering the above, we pass the following order.

ORDER

- (i) The Committee shall issue the validity certificate to the petitioner of 'Koli Mahadev', Scheduled Tribe.
 - (ii) The said validity shall be subject to the decision that would be taken by the Committee in the proceedings reopened of the validity holders relied by the petitioner.
8. Writ Petition is accordingly disposed of. No costs.

(S.G. DIGE)
JUDGE

mtk

(S.V. GANGAPURWALA)
JUDGE