

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1011 WRIT PETITION NO.1565 OF 2020

SHUBHAM BABURAO GAVALI
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS

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Advocate for Petitioner : Mr. Pratap V. Jadhavar
AGP for Respondent Nos. 1 to 3: Mr. A.R. Kale
Advocate for Respondent No. 4 : Mr. Dhananjay P. Deshpande

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

DATE : 25th FEBRUARY, 2022

PER COURT :-

1. The tribe claim of the petitioner as belonging to “Koli Mahadev” is invalidated.
2. The learned counsel for the petitioner submits that father of the petitioner is issued with validity certificate as ‘Koli Mahadev’. The detail vigilance was conducted. Vigilance, in the case of father observed that the candidate therein proved the traits of ‘Koli Mahadev.’
3. The oldest school record of the grandfather of the petitioner of the year 1955 records caste as ‘Koli Mahadev.’ The said document is verified by the Vigilance in the case of the father of the petitioner. No interpolation is found in the said document. The school record of the father of the petitioner is of the year 1978 and in case of cousin uncle of the petitioner, the school record of the year 1983 records the caste as “Koli Mahadev.’ The learned counsel submits that invalidation relied by the vigilance was not of the relatives of the petitioner. According to the learned counsel, in case of the father of the petitioner the vigilance

found that affinity test is proved. In the present case, contra conclusion is drawn. The learned counsel for petitioner relies upon the Judgment in the case of ***Anand V. Committee for Scrutiny and Verification of Tribe Claims and others***, reported in ***2011(6) Mh.L.J. (S.C.) 919***. The learned counsel for petitioner also relies upon the judgment of the Division Bench of this Court in the case of ***Apoorva Vinay Nichale Versus Divisional Caste Certificate Scrutiny Committee No.1 and others*** reported in ***2010 (6) Mh.L.J. 401***.

4. The learned AGP for respondents submits that petitioner could not prove the traits of 'Koli Mahadev'. The caste claim of two relatives of the petitioner is found invalidated. According to learned AGP, school record of two paternal uncles of the petitioner, namely, Maroti Deorao Gavali and Ragho Ramu Gavali records caste as 'Koli'. The said documents are also of the year 1976 and 1955. The learned AGP further submits that petitioner does not belong to area where the persons of 'Mahadev Koli' community reside. There is invalidation in the case of relatives of the petitioner.

5. We have considered the submissions canvassed by the learned counsel for the parties.

6. It is not disputed that father of the petitioner is issued with validity after conducting vigilance. In the case of father, vigilance has verified the school record of grandfather of the petitioner, namely, Totaram. His school record is of the year 1958, records the caste as 'Mahadev Koli'. In the school record of the father and cousin uncle of the petitioner of the years 1978 and 1983, their caste is recorded as 'Mahadev Koli and 'Koli Mahadev'.

7. Oldest record of grandfather of the petitioner is dated 06-04-1952

and one contra entry in respect of relative of the petitioner, as sought to be relied, appears to be subsequent to the entry of grandfather of the petitioner. The date of birth of grandfather of the petitioner is recorded as 06-04-1952 and Ragho Ramu Gavali is recorded as 03-05-1955. Relationship of the petitioner with persons whose claims are invalidated, is not conclusively established by the Committee.

8. Considering the judgment in the case of ***Apoorva*** (Supra), we pass the following order.

ORDER

- (I) The committee shall issue validity certificate to the petitioner of the “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.

9. Writ Petition is disposed of. No costs.

(S.G. DIGE)
JUDGE

(S.V. GANGAPURWALA)
JUDGE