

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

962 WRIT PETITION NO.1787 OF 2022

WITH

CIVIL APPLICATION NO.3934 OF 2022

SHREYA KAILAS KAMBLE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Petitioner: Mr. Yeramwar Sushant C.

AGP for Respondents: Mr. A. S. Shinde

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CORAM:	S. V. GANGAPURWALA & S. G. DIGE, JJ.
DATE:	08th FEBRUARY, 2022

PER COURT:

1. The caste claim of the Petitioner as belonging to Koli Mahadev, Scheduled Tribe is invalidated.

2. The learned Counsel submits that the father of the Petitioner is issued with the validity certificate of Koli Mahadev, Scheduled Tribe. The real paternal uncle of the Petitioner is issued with the validity certificate of Koli Mahadev, Scheduled Tribe. The learned Counsel further submits that the caste claim of the real brother of the Petitioner Omkar was also invalidated. He

filed Writ Petition No. 10392 of 2017 before this Court at the Principal Seat. The Division Bench at the Principal Seat under the Judgment and order date 27.09.2017 allowed the Writ Petition setting aside the Judgment of the Committee and directed the Committee to issue validity certificate to him. Pursuant to the said Judgment the validity certificate is issued to Omkar. The learned Counsel submits that not a single contra entry appears. All the contra entries relied are of the maternal side by the Committee.

3. The learned A.G.P. submits that apart from the contra entries on the maternal side one Sale Deed of the cousin grandfather of the Petitioner is also relied wherein cousin grandfather of the Petitioner stated that he is not Adiwasi. The Sale Deed is of the year-1989.

4. We have also heard Mr. Lale, learned Counsel for the Intervenor.

5. It is not disputed that the father of the Petitioner is issued with the validity certificate of Koli Mahadev, Scheduled Tribe. The real paternal uncle is issued with the validity certificate of Koli Mahadev, Scheduled Tribe. The caste claim of the real brother of the Petitioner namely Omkar was invalidated. He filed Writ Petition No. 10392 of 2017 before this Court at the Principal Seat. The Division Bench at the Principal Seat under the Judgment and Order dated 27.09.2017 allowed the said Writ Petition and directed the Committee to issue validity certificate. The said Judgment is final.

6. In view of the Judgment delivered by this Court at the Principal Seat in case of real brother of the Petitioner and for the reasons recorded therein we follow the same course and pass the following order.

7. The Committee shall issue validity certificate to the Petitioner of Koli Mahadev, Scheduled Tribe.

8. In case, the Committee gets the Judgment of the Division Bench at the Principal Seat dated 27.09.2017 in Writ Petition No. 10392 of 2017 reviewed then, the present Judgment would be subject to the same.

9. The Writ Petition accordingly stands disposed of. No costs.

10. In view of disposal of the Writ Petition, the Civil Application also stands disposed of.

[S. G. DIGE, J.]

[S. V. GANGAPURWALA, J.]

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