

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

986 WRIT PETITION NO. 1983 OF 2022

DIPALI BANDURAO WAGHMARE THROUGH POWER OF ATTORNEY
HOLDER BANDURAO LAXMAN WAGHMARE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Sunil M. Vibhute
AGP for Respondent No. 1 and 2 : Mr. S.K. Tambe
Advocate for Respondent No. 3 : Mr. M.D. Narwadkar

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

DATE : 9th FEBRUARY, 2022

PER COURT :-

1. The tribe claim of the petitioner as belonging to 'Koli Mahadev' Scheduled Tribe is invalidated.
2. The learned counsel for petitioner submits that five paternal relatives of the petitioner are issued with validity certificates of 'Koli Mahadev' Scheduled Tribe. One Rameshwar S/o Walmik is issued with validity certificate under order of this Court dated 11-09-1995, in writ petition No. 3109 of 1993. So also, Madhukar S/o Lahu, Sudhakar S/o Lahu, Mahesh S/o Machindra and Mahananda d/o Tukaram Waghmare are issued with the validity certificates of 'Koli Mahadev'. Relationship of the petitioner with these paternal relatives is not disputed. The learned counsel for petitioner submits that the entries, which the Committee considered to be interpolated, were the subject matter for consideration in proceedings of other paternal relatives, to whom the validity certificates were issued. The learned counsel submits that revenue record relied upon by the Committee does not record the caste as 'Koli'. The same is Surname. In support of his argument Mr. Vibhute,

learned counsel for petitioner relied upon the judgment of this Court in the case of *Apoorva d/o Vinay Nichale Versus Divisional Caste Certificate Scrutiny Committee and others* reported in *2010 (6) Mh.L.J. 401*.

3. The learned AGP for respondents submits that revenue entries record caste as “Koli”. The school record of the petitioner’s father and uncle is interpolated and the word ‘Mahadeo Koli’ is inserted subsequently. The petitioner has failed in the affinity test.

4. We have considered the submissions. Relationship of the petitioner with validity holders as referred above, is not disputed by the learned AGP. They are paternal relatives of the petitioner. The validity is issued to one Rameshwar s/o Walmik under order of this Court dated 11-09-1995 in writ petition No. 3109 of 1993. The entries, which the Committee considered to be interpolated, were also the subject matter when paternal relatives were issued with validity certificates. The vigilance in those cases did not find entry to be interpolated. Show cause notices are issued to the validity holders relied by the petitioners.

5. In light of 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.

6. Writ Petition is accordingly disposed of. No costs.

(S.G. DIGE)
JUDGE

mtk

(S.V. GANGAPURWALA)
JUDGE