

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

WRIT PETITION NO.2340 OF 2022

YOGESH S/O GOVINDRAO GAJALWAD

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. Omgashad B. Boinwad, Advocate for the
Petitioner.

Mr. A. S. Shinde, AGP for Respondents-State.

...

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

DATED : 18th FEBRUARY, 2022.

PER COURT:-

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

2. Amongst the other submissions, one of the submission of the petitioner is that, real brother of the petitioner namely Vaibhav is issued with the validity certificate under orders of the Division Bench of this Court at Principal Seat at Bombay dated October 3rd, 2017 in Writ Petition No.10430/2017. The other paternal relative of the petitioner namely Nitesh S/o Venkatrao Gajalwad is also issued with the validity certificate under the orders of the Division Bench of this Court at Principal Seat at Bombay dated August 21, 2019 in Writ Petition No.9176/2019.

3. Mr. Shinde, learned A.G.P. submits that, this Court at Principal Seat at Bombay in the case of the real brother of the petitioner and the paternal cousin of the petitioner had issued the validity certificate on the basis of the validity issued to Ashok who is nowhere related to the petitioner. The Committee in the present case has threadbare considered all the evidence, genealogy and has arrived at the correct conclusion.

5. The real brother of the petitioner is issued with the validity certificate under orders of this Court dated October 3rd, 2017 in Writ Petition No.10430/2017, so also the other paternal cousin of the petitioner namely Nitesh S/o Venkatrao Gajalwad is issued with the validity certificate under orders of this Court at the Principal Seat at Bombay dated August 21, 2019 in Writ Petition No.9176/2019. It is for the Committee to get the orders reviewed, if according to the Committee the same was based on erroneous facts.

6. In light of the judgment delivered in case of the real brother of the petitioner at the Principal Seat at Bombay, we follow the same course and pass following order:

ORDER

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

B. In case the judgment dated October 3rd, 2017 in Writ Petition No.10430/2017 is reviewed, the present judgment would be subject to the same.

7. Writ Petition is disposed of. No cost.

(S. G. DIGE)
JUDGE

(S. V. GANGAPURWALA)
JUDGE