

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

WRIT PETITION NO. 132 OF 2022

Chandrashekhar Sayabu Charkewad .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Chandrakant R. Thorat, Advocate for the Petitioner.

Shri P. S. Patil, Addl.G.P. for Respondent Nos. 1 and 3.

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

DATE : 06TH JANUARY, 2022.

FINAL ORDER :

. The caste claim of the petitioner as belonging to 'Koli Mahadev' (Scheduled Tribe) is invalidated.

2. Mr. Thorat, the learned advocate for the petitioner submits that, there is not a single contra entry on record. The four persons whose contra entries are sought to be relied by the committee are not paternal relatives of the petitioner. The learned advocate submits that, father of the petitioner is issued with the validity certificate of 'Koli Mahadev' (Schedule Tribe).

3. The learned Additional Government Pleader for respondents/State submits that, Balaji Narsing is cousin grandfather of the petitioner. The genealogy has been prepared by the vigilance. The vigilance has considered the said aspect.

The vigilance has considered the relationship. The cousin grandfather and cousin grandmother of the petitioner had been to the school and the school record shows Koli caste.

4. As far as cousin grandmother is concerned, the same would not be relevant fact. Balaji Narsing, according to the petitioner is the cousin uncle of the petitioner. He has born in the year 1978 as per the school record of Balaji Narsing. As per the vigilance record he is born in the year 1953. Said disparity remained unexplained by the respondent. The petitioner has denied the relationship. Apart from four persons with whom the petitioner has denied the relationship and same could not be established by the respondent, wherein caste is recorded as Koli, there is no other contra entry on record. The father of the petitioner is issued with the validity certificate. Reliance can be had to the judgment of the Division Bench of this Court in the case of Apoorva Nichale Vs. Divisional Caste Certificate Scrutiny Committee reported in *2010 (6) Mh. L. J. 401*. The father of the petitioner is issued with the show cause notice.

5. In the light of the above, the we pass following order.

6. The Committee shall issue validity certificate to the petitioner of 'Koli Mahadev' (Scheduled Tribe). The said validity would be subject to the decision that would be taken by the Committee in the proceedings reopened by the committee of the validity holders relied by the petitioner.

7. The writ petition is disposed of. No costs.

[S. G. DIGE, J.]

[S. V. GANGAPURWALA, J.]

bsb/Jan.22