

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

9 WRIT PETITION NO.350 OF 2022

VAISHNAVI DNYANESHWAR DAMALE
MINOR THROUGH HER GUARDIAN MOTHER
ANITA DNYANESHWAR DAMALE

VERSUS

THE STATE OF MAHARASHTRA
AND ANOTHER

...

Advocate for Petitioner : Mr D.D. Choudhari
AGP for Respondent Nos. 1 and 2/State : Mr S.K. Tambe

**CORAM : S.V. GANGAPURWALA AND
SHRIKANT D. KULKARNI, J.J.**

DATE : 17th JANUARY, 2022

PER COURT :

1. The caste claim of the petitioner is belonging to "Koli Mahadev" Scheduled Tribe is invalidated.

2. The learned counsel for the petitioner submits that the father of the petitioner is issued with the validity certificate of "Koli Mahadev", Scheduled Tribe. The paternal cousin of the petitioner, namely, Ravindra Damale is issued with the validity certificate of "Koli Mahadev", Scheduled Tribe. The daughter of the cousin uncle of the petitioner namely, Ridhi daughter of Ravindra Damale is issued with the validity certificate of "Koli Mahadev", Scheduled Tribe. The learned counsel submits that the contra entries relied by the Committee while invalidating caste claim of the petitioner were also subject matter of the consideration while deciding the caste claim of Ridhi. In

case of Ridhi, the vigilance was also conducted and all these contra entries were considered.

3. The learned counsel relied on the Judgemnt of the Division Bench of this Court in case of ***Apoorva Nichate Vs. State*** reported in ***2011 (2) Bom. CR 824***.

4. The learned AGP submits that for the first time, the vigilance was conducted in case of Ridhi. The father of the petitioner and the paternal cousin of the petitioner namely, Ravindra Damale are issued with the validity certificate without vigilance. The show cause notice has been issued to the validity holders relied upon by the petitioner.

5. It would appear that the father of the petitioner, the paternal cousin of the petitioner are issued with the validity certificates. Ridhi daughter of Ravindra i.e. paternal cousin of the petitioner is also issued with the validity certificate after conducting vigilance. The contra entries viz school record of Maruti Yeshwant were also subject matter of the consideration while issuing validity certificate to Ridhi. The Judgment of the Division Bench of this Court in case of ***Apoorva*** (supra) would be relevant.

6. In light of that, we pass the following order :-

(i) The Committee shall issue the validity certificate to the petitioner of "Koli Mahadev", Scheduled Tribe.

- (ii) The said validity certificate shall be subject to the decision that would be taken by the Committee in the proceedings re-opened by the validity holders relied by the petitioner.
- (iii) The writ petition is disposed of. No costs.

[SHRIKANT D. KULKARNI, J.]

[S.V. GANGAPURWALA, J.]

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