

Uday S. Jagtap

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

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WRIT PETITION NO. 12415 OF 2022

Sanket Shivaji Sable

.. Petitioner

Vs.

The State of Maharashtra
Through Secretary & Ors.

.. Respondents

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Mr. Deepak D. Choudhari for the petitioner
Mrs. M.P. Thakur, AGP for the respondent – State
Mr. Sameer Khedekar for the respondent no.3 t

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

DATED : 18th NOVEMBER, 2022.

P.C.

1. The caste claim of the petitioner as 'Koli Mahadev' is invalidated.

2. Amongst the other submissions, one of the submissions of the learned Counsel for the petitioner is that paternal cousin of the petitioner, Prathamesh s/o Maruti Sabale had also applied for issuance of validity certificate of 'Mahadev Koli'. The Scrutiny

Committee invalidated the said tribe claim. Said Prathamesh filed Writ Petition No. 8894 of 2020. The Division Bench of this Court under judgment dated 15th January, 2021 directed the Committee to issue validity certificate to Prathamesh.

3. The relationship of the petitioner and Prathamesh, being the paternal relatives, is not disputed even by the Committee. In the case of Prathamesh, this Court under order dated 15th January, 2021 observed as under :-

“3. The pre-independence document of grandfather of the petitioner of the year 1948 records caste as Hindu Mahadev Koli. The vigilance has also confirmed the same.

5. Learned Advocate for the petitioner relied upon the judgment of this Court in case of **Apporva d/o Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1 and Ors.**, reported in 2010 (6) Mh.L.J. 401.

7. It is a matter of record that the father of the petitioner and two real uncles of the petitioner are issued with the validity certificates of Koli Mahadev – Scheduled Tribe. The relationship of the petitioner with Pramila cannot be conclusively established. The Division Bench of this Court in case of Apporva Nichale Vs. Divisional Caste Certificate Committee (supra), has held that the validity in favour of the paternal relatives is a relevant fact.”

4. In light of that, the impugned order is quashed and set aside. The Scrutiny Committee shall issue validity certificate to the petitioner as Koli Mahadev – Scheduled Tribe immediately.
5. The said validity certificate would be subject to the decision that would be taken by the Committee in the proceedings re-opened of the validity holders relied by the petitioner.
6. Writ Petition disposed of. No costs.

(S.G. DIGE, J.)

(S.V. GANGAPURWALA, J.)