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

WRIT PETITION NO. 13104 OF 2022

Ujwal Laxmikant Kamble & Anr. Petitioners

Vs.

State of Maharashtra & Ors. Respondents

Mr. R.K.Mendadkar a/w Ms.Komal Gaikwad for the Petitioners

Mr.S.B.Kalel, A.G.P. for the State

Mr.Sameer Khedekar for Respondent no.3

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

DATED : NOVEMBER 11, 2022

P.C.

1 The caste claim of the Petitioners as belonging to Koli Mahadeo Scheduled Tribe is invalidated.

2 We have heard the learned Counsel for the Petitioners and the learned A.G.P. for the Respondents.

3 Amongst other submissions, one of the submissions of the learned Counsel for the Petitioners is that the first paternal cousin of the Petitioner namely Madhusudan Suryakant Kamble had also

applied for validity certificate of Koli Mahadeo Scheduled Tribe. The same was invalidated by the Committee. Madhusudan Suryakant Kamble filed Writ Petition before this court bearing Writ Petition (ST) No.23184 of 2018. The Division Bench of this court under its judgment and order dated 10.08.2018 allowed the Writ Petition directing the Committee to issue validity certificate to him.

4 The learned A.G.P. submits that there are contra entries on record. Different genealogies are found by the vigilance. Contra entries on record would disprove the case of the Petitioner. The Petitioner has failed in the affinity test also.

5 Upon perusal of the vigilance report in the case of Madhusudan Suryakant Kamble and the present case, the documents before the Committee in the case of Madhusudan Suryakant Kamble and the present Petitioner were the same. All those documents which are subject matter of consideration before the Committee in the present case were subject matter of consideration before the Committee in the case of Madhusudan Suryakant Kamble and also before this Court delivering the judgment in the case of Madhusudan Suryakant Kamble.

6 The Division Bench of this court has already allowed the claim of Madhusudan Suryakant Kamble under its judgment dated 10.08.2018. On the basis of the same documents, we would be required to follow the same course on the ground of parity and the judgment of the Division Bench of this court in the case of ***Apoorva d/o Vinay Nichale vs. Divisional Caste Certificate Scrutiny***¹.

7 The learned A.G.P. submits that the Committee is intending to assail the judgment of this court dated 10.08.2018 in Writ Petition No.23184 of 2018 filed by Madhusudan Suryakant Kamble.

8 In view of the aforesaid, we pass the following order:

a. Impugned order of the Committee is quashed and set aside.

b. Committee shall issue validity certificate to the Petitioner of Koli Mahadeo Scheduled Tribe immediately.

c. If the judgment of Division Bench of this court dated 10.08.2018 in Writ Petition (St.) No.23184 of 2018 filed by Madhusudan Suryakant Kamble is set aside by the Apex Court

1 2010 (6) Mh.L.J. 401

then the present judgment would be subject to the same.

d. Writ Petition is disposed of. No costs.

(S.G.DIGE, J.)

(S.V.GANGAPURWALA, J.)