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

WRIT PETITION NO. 13119 OF 2022

Sameer s/o Vasant Kalambarkar Petitioner

Vs.

The State of Maharashtra & Ors. Respondents

Mr. A.B.Kharosekar a/w Mr.Deepak Pote a/w Mr.Omgashad B.
Boinwad for the Petitioner

Mr.K.S.Thorat, 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 Petitioner as belonging to Koli Mahadeo
Scheduled Tribe is invalidated.

2 Amongst other submissions, one of the submission of the
learned Counsel for the Petitioner is that caste claim of the real
sister of the Petitioner Vinaya Vasant Kalambarkar and daughter of
Vasant Ganpati Kalambarkar was also invalidated. She filed Writ
Petition No.8201 of 2020. Division Bench of this court under order
dated 18.12.2020 directed to grant validity certificate. The same

shall 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.

3 We have heard the learned A.G.P. also. The relationship of the Petitioner with Vinaya Vasant Kalambarkar being real sister is not disputed.

4 In case of Vinaya Division Bench of this court under order dated 18.12.2020 in Writ Petition observed thus:

“4. It is a matter of record that the father of the petitioner, real paternal uncle of the petitioner namely, Mohan and cousin grandfather of the petitioner namely, Dadarao are issued with the validity certificate of the "Koli Mahadev" Scheduled Tribe. The vigilance was conducted before issuing validity certificate in favour of Vasant and Mohan. The extract of birth and death register of Ganpati shows the caste recorded as "Koli Mahadev". The Committee has observed that the Vigilance Cell has not found any such entries of caste in the birth and death register of Ganpati. However, the said register was also subject matter of consideration in validation proceedings of Vasant and Mohan. The vigilance Cell in the said case, did not find any suspicion about the entries of the caste of "Koli Mahadev" in the said birth and death register. The school entries of Dadaji Raoji, Vasant and Mohan were subject matter of consideration.”

5 Considering the above, we pass the following order :-

ORDER

- (i) The impugned judgment is quashed and set aside.
- (ii) The Committee shall issue validity certificate to the petitioner of "Koli Mahadev" Scheduled Tribe.
- (iii) 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.
- (iv) The writ petition is disposed of. No costs.

(S.G.DIGE, J.)

(S.V.GANGAPURWALA, J.)