

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

70 WRIT PETITION NO.13228 OF 2023

HARISHCHANDRA NAMDEO SAPKAL
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS

...

Advocate for Petitioners :Mr. Boinwad Omgashad B.
AGP for Respondents State: Mr. P. K. Lakhotiya

CORAM : RAVINDRA V. GHUGE &
Y. G. KHOBRAGADE, JJ.

DATE : 25th October, 2023

ORDER:

1. The Petitioner is a retired employee who is aggrieved by invalidation of his claim of belonging to "Koli Malhar-30" Scheduled Tribe category. By the same common judgment, claims of his daughter Kalyani and son Jayram were invalidated. They approached this Court in Writ Petition No. 11300/2023. By the order dated 13.09.2023, the impugned order was set aside and they were granted conditional validity certificate by this Court.

2. In view of the above, taking into account the law laid down in *Shweta Balaji Isankar vs. The State of Maharashtra and others*, Writ Petition No.5611/2018 decided on 27.07.2018, by this Court at the Principal Seat and *Apoorva d/o Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1 Nagpur, 2010(6) Mh.L.J.401*, and further, keeping in view

that the common judgment in the case of the biological daughter and son of the Petitioner having been set aside, **this Petition is partly allowed.**

3. The impugned judgment is set aside to the extent of the Petitioner. He would be granted validity certificate of "Koli Malhar-30" Scheduled Tribe category within 30 days.

4. Needless to state, applying the law laid down in *Shweta Balaji Isankar (supra)*, in the event any of the validity holders suffers reopening of the case and consequent invalidation, the consequence being suffered by them would befall upon the present Petitioner.

(Y. G. KHOBRAGADE, J.)

(RAVINDRA V. GHUGE, J.)

JPChavan