



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

903 WRIT PETITION NO. 9441 OF 2022

Basavvabai Ashokrao Ghante

....Petitioner

VERSUS

The State of Maharashtra
Through Secretary And Others

.....Respondents

.....
Mr. Chaudhari Deepak D, Advocate for the Petitioner
Ms. Vaishali S. Chaudhari, AGP for the Respondent Nos.1 and 2 -
State

.....
**CORAM : R. G. AVACHAT &
NEERAJ P. DHOTE, JJ.**

DATE : 25.07.2025

PER COURT :

1. By consent of the both the sides, heard finally. Perused the papers on record.

2. The Petitioner, who is serving as an Assistant Teacher with Respondent No.3 - Institute, claims to be belonging to the 'Mahadev Koli' Scheduled Tribe. The appointment of the Petitioner was on the reserved post. Her tribe claim was referred to the Respondent No.2 - Committee. By the impugned order dated 23/05/2022, the Respondent No.2 - Committee invalidated her tribe claim. Hence, the Writ Petition under Article 226 of the Constitution of India.

3. In the impugned order, there is a reference of invalidation of the tribe claim of the real brother of the Petitioner by name Govind Ashok Ghante. This Court, in Writ Petition

No.8945/2021 decided on 14/01/2025, which was filed by the said real brother of the Petitioner, namely, Govind Ashok Ghante, has granted conditional validity to him. The operative part of the said order is as follows :

“8. The writ petition is allowed partly. The impugned order is quashed and set aside. The committee shall immediately issue the validity certificate to the petitioner of ‘Koli Mahadev’ Scheduled Tribe category, which validity shall be subject to the final outcome of the matters of validity holders which the committee has decided to reopen.”

4. When the real brother of the Petitioner is granted validity by the above-referred order, which has become final, the Petition needs to be allowed on the same terms. Hence, the following order :

ORDER

- (i) The Writ Petition is partly allowed.
- (ii) The impugned order is quashed and set aside.
- (iii) The Respondent No.2 - Committee shall issue the validity certificate to the Petitioner of ‘*Koli Mahadev*’ Scheduled Tribe category, which shall be subject to the final outcome of the matters of the validity holders of the relatives of the Petitioner which the Committee has decided to reopen.
- (iv) The Writ Petition is disposed off accordingly.

[NEERAJ P. DHOTE, J.]

[R. G. AVACHAT, J.]