

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3789 OF 2002

Madan S/o. Baburao Dhamansure,
Age: 17 Years (Minor), Occu.: Student,
Through Natural Guardian – Father
Baburao S/o. Deshrathrao Dhamansure,
Age: 46 Years, Occu.: Service,
R/o.: NSB Hsg. Colony, govindraaj Nivas,
Jalkot Road, Udgir, Dist.: Latur. .. **Petitioner**

Versus

1. The State of Maharashtra.
2. The Scheduled Tribe Caste
Certificate Verification Committee,
Through its Chairman / Director,
Aurangabad Division, Aurangabad.
3. The Taluka Executive Magistrate,
Udgir, Dist.: Latur.
4. The Collector,
Collectorate, Latur. .. **Respondents**

Shri A. S. Golegaonkar, Advocate for the Petitioner.
Shri P. S. Patil, A. G. P. for Respondents.

CORAM : **S. V. GANGAPURWALA &**
MANGESH S. PATIL, JJ.

DATE : **7th September, 2017**

ORAL ORDER (PER S. V. GANGAPURWALA, J.) :

1. The tribe claim of the petitioner as 'Koli Mahadeo' scheduled tribe was referred to the committee. The committee invalidated the tribe claim of the petitioner, aggrieved thereby the present petition.

2. The learned counsel submits that the school record of the petitioner consistently records caste as 'Koli Mahadeo', only on the basis of a solitary entry in the school record of the father of the petitioner recorded as 'Koli' the committee has invalidated the tribe claim of the petitioner. The learned counsel submits that, even the school records of the brother and sister of the petitioner records caste as 'Koli Mahadeo'. Even, the first page of the service book of the petitioner's father records the caste as 'Koli Mahadeo'. All these documentary evidence are negated by the committee without any sufficient reason. The learned counsel submits that, even, the father of the petitioner had replied to the traits and the affinity linkage connected with 'Koli Mahadeo' scheduled tribe.

3. The learned A. G. P. supports the order.

4. No doubt, the school record of the petitioner records caste as 'Koli Mahadeo', however, the basic document i.e. the school record of the petitioner's father, records the caste as 'Koli'. Apart

from the school record of the petitioner there is no other independent evidence to suggest that the petitioner belongs to 'Koli Mahadeo' scheduled tribe. In addition, it has been observed by the committee that the father of the petitioner could not prove the affinity and the ethnic linkage to that of 'Koli Mahadeo' scheduled tribe.

5. The caste certificate issued by the Executive Magistrate is on the basis of the affidavit of the parties, the same cannot be an evidence.

6. Considering the above, no error is committed by the committee in invalidating the tribe claim of the petitioner.

7. The writ petition as such is dismissed. Rule discharged. No costs.

[MANGESH S. PATIL, J.] [S. V. GANGAPURWALA, J.]

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