

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,  
BENCH AT AURANGABAD

WRIT PETITION NO.1571 OF 1999

Suresh Namdeorao Potpallewar @ Pallewar,  
Age 45 years, Occ. Govt. service,  
R/o Sadar Bazar, Ambajogai, Dist. Beed.  
For and on behalf of his minor son :  
Vinay s/o Suresh Pallewar ... PETITIONER

VERSUS

1. The State of Maharashtra  
(Copy to be served on Government  
Pleader, High Court of Judicature  
of Bombay, Bench at Aurangabad)
2. The Committee for Scrutiny and  
Verification of Tribe Claims  
(through its Member Secretary),  
Nasik.
3. The Executive Magistrate,  
Kandhar, District Nanded.
4. The Collector & District Magistrate,  
Nanded
5. The Dean & Designated Authority for  
admission to Medical Courses,  
Government Medical College,  
Aurangabad ... RESPONDENTS

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Shri S.B. Talekar, Advocate for petitioner  
Shri V.D. Rakh, A.G.P. for State  
Shri K.D. Bade Patil, Advocate for respondent No.2  
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CORAM:    S.V. GANGAPURWALA AND  
                  A.I.S. CHEEMA, JJ.

DATED:    27th April, 2015.

ORAL JUDGMENT (Per S.V. Gangapurwala, J.):

1.            Mr. Talekar, learned counsel for the petitioner submits that the petitioner has produced voluminous record to prove tribe claim of petitioner belonging to Chhatri - Scheduled Tribe.    However, the Committee, without taking into consideration the said record, has invalidated the tribe claim of the petitioner. Ten documents were submitted by the petitioner. The said documents are not discussed in detail. The school record of the petitioner depicts caste as Chhatri. According to the learned counsel, the Vigilance is not against the petitioner. The caste certificates of his relatives have also been placed on record, which have not been considered. The school record of the petitioner also shows his caste as Chhatri. There was no reason for not considering the case of the petitioner.

2.            Mr. Bade Patil, learned counsel for the respondent Committee submits that the school record of petitioner's father shows the caste as Shimpi. Even the school record of the uncle of petitioner shows the caste as Shimpi. These are old record and same has more probative value. Even the petitioner could not pass the affinity test.

3. We have considered the submissions canvassed by the learned counsel for respective parties and we have gone through the judgment.

4. The school record of the petitioner's father has been discussed wherein the caste is recorded as Shimpi. The basis for taking entry in the service record of the father of the petitioner has also not brought forth. Even the school record of the uncle of the petitioner shows the caste recorded as Tailor. The petitioner would get the caste from his father. The father of the petitioner described himself as Hindu Koli in the year 1943. The committee has relied on the said document also. In the school record of one of the uncle of the petitioner Govardhan, the caste is recorded as Maratha. All these aspects have been considered by the Committee and the Committee has arrived at a plausible conclusion. No case is made out. As such, the Writ Petition is dismissed. Rule discharged. No costs.

(A.I.S. CHEEMA, J.)

( S.V. GANGAPURWALA, J.)