

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

WRIT PETITION NO. 5648 OF 1999

Miss Vaishali Saudagar Patange .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri S. B. Talekar, Advocate for the Petitioner.

Smt. Y. M. Kshirsagar, A.G.P. for Respondent Nos. 1 and 3.

Shri K. D. Bade Patil, Advocate for the Respondent No. 2.

Shri M. M. Joshi, Advocate for the Respondent No. 4.

**CORAM : S. V. GANGAPURWALA AND
A. I. S. CHEEMA, JJ.**

DATE : 20TH APRIL, 2015.

PER COURT :

. Mr. Talekar, the learned counsel for the petitioner states that, the Committee while invalidating the tribe claim of the petitioner has not given proper opportunity of hearing. Only two members of the Committee have conducted the interview. The committee was not properly constituted. The original school record of the petitioner shows the caste as Koli Mahadev. Even first page of service book of the petitioner's father shows the caste as Koli Mahadev. However, because of the illiteracy of the grandfather, the caste was recorded as Koli in the school record of the father of the petitioner. The same was isolated document.

According to the learned counsel, pursuant to the interim orders passed by this Court, the petitioner has completed her education.

2. Mr. Bade Patil, the learned counsel for Committee submits that, the original record of the petitioner's father shows the caste as Koli only. Even the petitioner's father could not establish the ethnic and affinity linkage. The opportunity was given to the petitioner. The three member committee has interviewed the petitioner's father and decided the case.

3. We have heard Mr. Joshi, the learned counsel for the respondent No. 4 also.

4. With the assistance of learned counsel for respective parties, we have gone through the judgment and the documents produced and annexed.

5. The Committee has observed that the original school record of the father of the petitioner refers the caste as Koli and not as Koli Mahadev. The petitioner would get the caste of her father. It is also observed by the Committee that, the petitioner and her father could not satisfy the affinity and ethnic linkage to the persons belonging to Koli Mahadev. The documents produced by the petitioner are of recent origin. As the basic document itself depict the caste as Koli, the Committee has taken a

plausible view.

6. The petitioner, it seems pursuant to the orders of this Court has completed the education. The educational qualification obtained by the petitioner deserves to be protected. However, the petitioner would not be entitled for the benefit of reservation.

7. In the result, we pass the following order.

8. The judgment delivered by the Committee invalidating the tribe claim of the petitioner is upheld and confirmed. However, the educational qualification obtained by the petitioner having taken from the reserved category is protected to that extent only. The writ petition accordingly disposed of. Rule discharged. No costs.

[A. I. S. CHEEMA, J.]

[S. V. GANGAPURWALA, J.]