

THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

WRIT PETITION NO. 5636 OF 2006

Ramesh s/o Asaram Popalghat,
Age: 40 Yrs, Occu. Govt. Service,
(working as Stores Clerk in the
office of Head Master, Govt.
Technical High School, Centre
Kandhar, Tq. Kandhar, District
Nanded.

... PETITIONER

VERSUS

- 1) The State of Maharashtra,
Through its Secretary,
Social Welfare Department,
Mantralaya, Mumbai-400 032.
- 2) Committee for Caste Verification
of SC, ST, VJNT, NT, OBC and
SBC, Aurangabad Division,
Aurangabad, Laxmi Building
Jalna, Aurangabad.
- 3) The Deputy Director,
Vocational Education and
Training, Regional Office,
Bhadkal Gate, Aurangabad.
- 4) Head Master,
Govt. Technical High School,
Centre Kandhar,
Tq. Kandhar, Dist. Nanded.

... RESPONDENTS

Mr. N.N.Shinde, Advocate for the Petitioner.
Mr. G.K.Thigale, AGP for Respondent / State Authorities.

CORAM : **S. V. GANGAPURWALA and
V. L. ACHLIYA, JJ.**

DATE : 02nd March, 2015.

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

1 Rule. Rule made returnable forthwith. With the consent of the learned counsel appearing for the parties, the petition is taken up for final hearing.

2 Heard the learned counsel appearing for the parties.

3 The caste claim of the Petitioner as belonging to “Gadi-Lohar” Nomadic Tribe has been invalidated by the Committee. According to the learned Additional Government Pleader, the Committee has rightly considered all the documents on record. The document in favour of father of the Petitioner is of the year 1953, which only records the caste as “Hindu” and nowhere the case is recorded as “Lohar” or “Gadi-Lohar”. According to the learned Additional Government Pleader, the Committee has considered in detail all the documents on record and thereby has arrived at right conclusion. No illegality has been committed by the Committee.

4 We have gone through the record and the judgment delivered by the Committee. There are almost 27 documents filed on record. Out of 27 documents, one document in favour of the Petitioner

records the caste as “Hindu” and in two documents, the caste is recorded as “Lohar”. Otherwise, in all other 22 to 24 documents, the caste is recorded as “Gadi-Lohar”. The said documents are in favour of the Petitioner, his father, brother, sister, and cousin brothers.

5 The Petitioner has placed on record the circular dated 23rd June, 2008, issued by the Government, so also, a Government Resolution dated 1st March, 2006, is relied, wherein, it has been clearly stated by the Government, after considering 13th report of the Backward Commission, that “Lohar”, “Gadi-Lohar” “Ghisadi-Lohar” and other sub-castes are one and the same. “Lohar” and its sub-castes are included in the Nomadic Tribe and there is no difference in the same.

6 In considering the same, out of 27 documents, 26 documents depict the caste as “Gadi-Lohar” and “Lohar”, only because the document of 1953 no caste is recorded in the record of the Petitioner's father, that solitary entry is not sufficient to dislodge the claim of the Petitioner.

7 In light of the above, the impugned judgment and order passed by the Committee is quashed and set aside. The Committee shall issue the validity certificate to the Petitioner as belonging to “Gadi-Lohar” Nomadic Tribe.

8 Rule, accordingly, made absolute in above terms. No costs.

ndm

[V. L. ACHLIYA, J.]

[S. V. GANGAPURWALA, J.]