

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

**REVIEW APPLICATION NO.76 OF 2016
IN
WRIT PETITION NO.5648 OF 1999**

**Vaishali d/o Saudagar Patange Vs. The State of Maharashtra
and others.**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
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Mr.U.R.Awate, advocate holding for Mr.S.B.Talekar, advocate for the applicant.
Ms.R.P.Gour, A.G.P. for the State.
Mr.M.M.Joshi, advocate for Respondent No.4 absent.

**CORAM : S.V.GANGAPURWALA AND
K.L.WADANE, JJ.
Date : 17.11.2016.**

PER COURT :

1. Heard.
2. The present Review Application is filed seeking review of the order passed by us in W.P.No.5648/1999.
3. Mr.Awate, learned counsel submits that at the time when the Writ Petition was decided, the petitioner could not lay hands on an old document i.e. the Warrant of Arrest issued to the grand father of the petitioner on 2nd Baheman 1357 Fasli. As the same was not in possession and power of the petitioner, the certified copy

of the said document received from the Court at Gulbarga, is produced, wherein the caste of the grand father is recorded as Mahadev Koli. The said document is in Urdu. The true translation of the same is produced on record. The affidavit of the translator is also filed on record to the effect that the translation is true and correct as per the Urdu document. According to the learned counsel, the said document is of pre-independence era and the said document will have high evidential value.

4. The learned A.G.P. states that the original is not forthcoming. Reliance can not be placed on the said certified copy. The certified copy is said to have been obtained in the year 1999 but was not produced in this Court during the pendency of the Writ Petition nor before the authorities.

5. We have considered the submissions. The jurisdiction of this Court in entertaining Review is in a narrow compass. Review can not be entertained as an appeal in disguise. While dismissing the Writ Petition, we have observed that the School record of the father of the petitioner is as Koli and not Mahadev Koli. It is also observed that the petitioner and the father could not satisfy the affinity and ethnic linkage to the persons belonging to Koli Mahadev (Scheduled Tribe). The three Members Committee had interviewed the petitioner's father also. We had protected the educational qualification of the petitioner. The petitioner now

states to have obtained the certified copy in the year 1999. The petitioner states that one of the relatives had obtained the certified copy in the year 1998 and had given the same to the petitioner recently. The original of the said document is also not forthcoming as it is suggested that the original record is destroyed in the Court. Reliance is placed by the petitioner on the communication of the office of the Civil Court.

6. Be that as it may, the original is not on record. The petitioner had failed in the affinity test also. The record of the petitioner's father is also contrary to the claim of the petitioner. The said document produced in the Review Application does not inspire confidence.

7. Considering the above, the Review Application is dismissed. No costs.

(K . L . WADANE , J .)

(S . V . GANGAPURWALA , J .)

Dt.17.11.2016.
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