

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO. 7133 OF 2010

Sahebrao S/o. Lilachand Mandale,
Age-55 Years, Occu:-Agriculture,
At present President of Municipal
Council Shirpur, Dist-Dhule,
R/o-Plot No.20, Subhash Colony,
Shirpur, Tq-Shirpur, Dist-Dhule.

...PETITIONER

VERSUS

- 1) The State of Maharashtra,
Through its Secretary,
Urban Development Department,
Mantralaya, Mumbai-32,
- 2) The District Collector,
Dhule,
- 3) The Sub Divisional Officer,
Shirpur, Tq-Shirpur,
Dist-Dhule,
- 4) The Tahsildar,
Shirpur, Tq-Shirpur,
Dist-Dhule
- 5) Scheduled Tribe Certificate Scrutiny
Committee, Nandurbar Region, Nandurbar,
Through its Deputy Director,
- 6) The Municipal Council,
Shirpur, Tq-Shirpur, Dist. Dhule,
Through its Chief Officer.

...RESPONDENTS

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Mr. D.S. Bagul, Advocate for Petitioner.
Mr. P.N. Kutti, A.G.P. for Respondent
Nos. 1 to 5.

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

DATE : 14TH MARCH, 2016

ORDER :

1. Mr. Bagul, learned counsel for the Petitioner submits that the tribe claim of the Petitioner as belonging to "Koli Mahadeo", Scheduled Tribe, has been invalidated on erroneous grounds. According to the learned counsel, the school record of the father of the Petitioner shows caste being recorded as "Koli Mahadeo". The said aspect has not been considered by the Committee. According to the learned counsel, the school leaving certificate in respect of the present Petitioner shows the caste being recorded as "Hindu Mahadeo Koli", so also in another school leaving certificate the caste of the Petitioner is recorded as "Mahadeo Koli". The school leaving

certificate of the Petitioner's father also records the caste as "Mahadeo Koli". The said school leaving certificate is of the year 1944, and it has got high probative value. Learned counsel submits that even the school record in respect of son of the Petitioner shows the caste being recorded as "Mahadeo Koli". The Police Patil, Shirpur has also issued certificate to that effect. The residential certificate issued by the Talathi also shows that Petitioner belongs to caste "Mahadeo Koli". Learned counsel submits that relative of the Petitioner, namely, Subhash Budha Sonawane is also issued with the validity certificate of "Koli Mahadeo", Scheduled Tribe. The same is not considered by the Committee. Learned counsel submits that voluminous documents were produced even in respect of school record of the Petitioner's relatives and the caste certificates being issued to them, however, the Scrutiny Committee has failed to consider those over-whelming evidence.

2. The learned A.G.P. supports the Judgment of the Committee and submits that the school record of the father of the Petitioner shows that the word "Mahadeo" has been added subsequently, in a different ink. Earlier the entry was only recorded as "Koli". Even in respect of the school record of the paternal uncle of the Petitioner, the entry recorded is only "Koli".

3. With the assistance of learned counsel for respective parties, we have gone through the Judgment of the Committee. The Committee has specifically observed that the Head Master and Head Mistress of Nagar Parishad Marathi School were present along with the original school record. The record has been perused by the Committee. It has been observed that the word "Mahadeo" is written in different ink. It shows that earlier the entry was recorded as "Koli" and the word "Mahadeo" has been added subsequently. The record of the real paternal uncle of the

Petitioner also shows the caste being recorded as "Koli". There are variations found in the entry of the caste in the school record of the father of the Petitioner. Even, there are alterations found in the school record of the relatives of the Petitioner. It was observed that while conducting cross examination of the Head Master, Petitioner admitted that "Koli" is main caste and "Mahadeo Koli" is sub-caste. Koli belongs to Special Backward Caste. It has been observed that Subhash Sonawane is not direct blood relative of the Petitioner from the paternal side.

4. Considering the aforesaid aspects of the matter that in the old record of the Petitioner's father and his uncle, the word "Koli" was only mentioned and word "Mahadeo" has been subsequently added in the school record, the Committee has rightly rejected the tribe claim of the Petitioner.

5. In light of this, Writ Petition is dismissed. No costs.

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

asb/MAR16

[S.V. GANGAPURWALA, J.]