

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

WRIT PETITION NO. 7109 OF 2013

DAYARAM DODHU KOLI
VERSUS
THE STATE OF MAH AND ANR

Mr.U.R. Aute,H/f Talekar & Associates Advocate for the
petitioner

Mr.P.S.Patil, AGP for the respondent/State

**CORAM : S.V. GANGAPURWALA &
S.M. GAVHANE, JJ.**

DATED : 07.12.2017

P.C. :-

. The tribe claim of the petitioner was referred to Committee for validation. The Committee invalidated the tribe claim of the petitioner of Tokare Koli Scheduled Tribe. Aggrieved thereby the present petition.

2. Mr.Aute, learned Advocate for the petitioner submits that the Committee while invalidating the tribe claim of the petitioner has lost sight of the documents that were produced by the petitioner. Validity is issued in favour of the paternal cousins of the petitioner. Volomunus record was produced before the Committee in the shape of certificate issued by Police Patil, Sarpanch, Secretary of Akhil Koli Samaj Parishad, the copy of the

first page of the service book of the petitioner and of the Narayan Sapkale. All these documents would establish that the petitioner belongs to Tokre Koli Scheduled Tribe. However, in casual manner all these documents are set aside. The Validity certificates issued in favour of the paternal cousins were also brushed aside in the casual manner. The petitioner had filed on record the affidavit showing relationship with Uttamrao Saidane, Pankaj Saidane and Rupesh Borkar. The High Court has also confirmed the tribe claim of these persons as 'Tokare Koli' Scheduled Tribe. When the tribe claim of the paternal cousin has been validated, the petitioner's claims also needs to be validated. Even the affinity test is not properly conducted.

3. Learned AGP submits that the basic school record of the petitioner shows caste being recorded as Suryawanshi Koli. Said document is of the year 1960. Even first page of the service book of the petitioner recorded caste as Suryawanshi Koli and after obtaining the caste certificate in the year 1976-1977 the same is changed to Tokare Koli. Learned Advocate submits that validity on which the petitioner is relying is of distant cousins separated by 7-8 generations and all these are before 1995. No vigilance was ever conducted in their cases.

4. With the assistance of the learned Advocate for the parties we have gone through the judgment and the documents relied by the petitioner.

5. The school record of the petitioner of the year 1960 records caste as Suryawanshi Koli. The birth certificate of the petitioner records caste as Koli. Even while entering the service the petitioner represented to employer that he belongs to Suryawanshi Koli. There is not a single document in favour of the petitioner either in the form of the school record or any other public documents recording caste of the petitioner as 'Tokare Koli' Scheduled Tribe. The validity certificate relied by the petitioner of the persons claiming to be near relatives of the petitioner are distantly related as per genealogy produced. They are separated by more than 7 to 8 generations and moreover certificate issued in favour of those persons are prior to 1990. No vigilance is ever conducted in this case. The basic documents of the

petitioner are against the petitioner. The affinity test is also against the petitioner. The Committee has observed that the petitioner could not prove his affinity test. Considering the totality of the fact in the present matter, it does not appear that Committee has committed any error while invalidating the tribe claim of the petitioner.

6. In the light of above the writ petition stands dismissed. No costs.

[S.M. GAVHANE, J.]

[S.V. GANGAPURWALA, J.]