

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

WRIT PETITION NO. 3047 OF 2002

Shivaji Shankar Survase

.. Petitioner

Versus

1. The State of Maharashtra
and others

.. Respondents

Shri A. S. Golegaonkar, Advocate for the Petitioner.

Shri S. W. Mundhe, A.G.P. for Respondent Nos. 1 to 5.

**CORAM : S. V. GANGAPURWALA AND
MANGESH S. PATIL, JJ.**

DATE : 13TH SEPTEMBER, 2017.

FINAL ORDER :

. Mr. A. S. Golegaonkar, the learned counsel for the petitioner submits that, the Committee invalidated the tribe claim of the petitioner as belonging to 'Koli Mahadev' (Scheduled Tribe) without considering various documentary evidence filed on record. The learned counsel submits that, only on the basis of one solitary entry of Koli, the Committee has invalidated the tribe claim. Various certificates of Adiwasi Koli Samaj and the certificates issued by the Sarpanch, the affidavits of close relatives, first page of service book of near relatives were produced on record, however, same have not been considered in proper perspective and the Committee in casual manner has

invalidated the tribe claim.

2. The learned Assistant Government Pleader supports the order.

3. We have considered the submissions. We have also gone through the documents and the judgment delivered by the Committee. It is observed by the Committee that, the basic document of the petitioner that is school record of the petitioner of the year 1962 refers the caste as Hindu Koli. There is not a single document of the petitioner or his father to substantiate the claim of the petitioner that, he belongs to Koli Mahadev (Scheduled Tribe). The committee has also observed that, the petitioner has failed to prove his affinity and ethnic linkage towards Koli Mahadev (Scheduled Tribe). No documentary evidence on record is produced to substantiate the claim of the petitioner as Koli Mahadev (Scheduled Tribe).

4. In the light of the above, the judgment of the Committee is upheld. The writ petition is dismissed. Rule discharged. No costs.

[MANGESH S. PATIL, J.]

[S. V. GANGAPURWALA, J.]