

.....

• • • • •

that while considering a claim of candidate due weightage will have to be given to the pre-constitutional document. It has been held that, may be with passage of time, the candidates may not be aware of the traits of particular tribe and as such they failed in affinity test. It has further been held that though due weightage will have to be given to the pre-constitutional document, the said tests will also be relevant in the facts and circumstances of each case. In the present case not a single pre-constitutional document is available with the petitioner showing that the petitioner belongs to Mahadev Koli. As a matter of fact the earliest document of the petitioner's father shows that his caste to be Hindu Mahadev Koli. No doubt that the petitioner relies on one document i.e. school leaving record of petitioner's father which shows his caste to be Mahadev Koli, however the said document is of the year 1969 i.e. much after the order of 1950 came into effect. The documents which were brought on record shows that their caste is Hindu Koli.

3. In view of the non availability of the pre-

constitutional document, the affinity test would play vital role. However the petitioner has also failed the affinity test, as is evident from the Vigilance Cell report. We see nothing wrong in the view taken by the Scrutiny Committee. The Petition is rejected.

(M.S. KARNIK, J.)

(B.R.GAVAI, J.)