

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4703 OF 2002

Nagesh Ankush Pallewar .. **Petitioner**

Versus

The State of Maharashtra and others.. **Respondents**

Mr. U. R. Awate h/f. Mr. S. B. Talekar, Advocate
for the Petitioner.

Mr. K. N. Lokhande, A.G.P. for Respondent Nos. 1
and 4.

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

DATE: 4th September, 2018

PER COURT :

1. The caste claim of the petitioner as 'Koli Mahadev', Scheduled Tribe is invalidated.

2. Mr. Awate, the learned counsel submits that the entire school record of the petitioner records caste as 'Koli Mahadev'. Only on the basis of isolated entry in the school record of the father of the petitioner the claim has been invalidated. According to the learned counsel, no proper opportunity has been given to the petitioner. There are consistent entries in the school record of the petitioner recording caste as 'Koli

Mahadev'.

3. The learned A.G.P. supports the order.

4. We have considered the judgment delivered by the committee, and so also, record placed before us.

5. The petitioner would get his caste from his father. The school record of the father of the year – 1968 records caste as 'Koli'. The caste 'Koli' is included in Special Backward Class. The petitioner claims to belong to 'Koli Mahadev', Scheduled Tribe. The school record relied by the petitioner is of a recent period. The original entry in the school record of the father of the petitioner is contrary. The same is contra evidence. In such circumstances, the affinity would be relevant. The statement of the father of the petitioner is recorded. The committee has observed that the petitioner has failed to prove his affinity and ethnic linkage towards 'Koli Mahadev', Scheduled Tribe.

6. In the light of above, no error has been committed by the committee. Writ Petition as such is dismissed. Rule discharged. No costs.

[S. M. GAVHANE, J.]

[S. V. GANGAPURWALA, J.]

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