

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

WRIT PETITION NO. 3887 OF 2011

Deepak Pradip Solunke .. Petitioner

Versus

The State of Maharashtra and another .. Respondents

Shri Ajay G. Talhar, Advocate for the Petitioner.

Shri P. S. Patil, Addl.G.P. for Respondent Nos. 1 and 2.

**CORAM : S. V. GANGAPURWALA AND
A. M. DHAVAL, JJ.**

DATE : 22ND MARCH, 2018.

FINAL ORDER :

. The petitioner claims to be Tokare Koli (Scheduled Tribe). The Committee invalidated the tribe claim of the petitioner. Aggrieved thereby present writ petition.

2. Mr. Talhar, the learned advocate for the petitioner submits that, the Committee failed to consider the validity certificates issued in favour of paternal relatives of the petitioner. Three validity certificates were placed on record issued in favour of near paternal relatives of the petitioner. However, same are not considered only on the ground that there is some contra evidence. The learned counsel submits that, the validity certificates issued have high probative value. The validity certificates issued in favour of near relatives ought to have been considered, but the

Committee has ignored the same. The learned counsel submits that, the vigilance report shows that in the village literate persons recognize the petitioner and his family members as belonging to Tokare Koli. According to the learned counsel, the affinity test is also not properly conducted.

3. Mr. Patil, the learned Additional Government Pleader for respondents supports the judgment and states that, validity certificates produced are in respect of persons who are five to six generations apart, whereas the entire record is contrary. The said aspect has been considered. Even the petitioner could not prove his affinity to the Tokare Koli (S.T.). The same has also been discussed.

4. We have considered the submissions canvassed by the learned counsel for respective parties. We have also gone through the judgment delivered by the Committee.

5. The committee has observed that, information stated by the applicant does not match to the tradition, customs, traits and rituals of Tokare Koli (S.T.). It is further observed that, whatever information is supplied relates to Koli caste and not to the Tokare Koli.

6. The documents on record produced by the petitioner and as verified by the vigilance are totally contrary to the claim of the petitioner. The school record of the petitioner records tribe as

Hindu Suryawanshi Koli (Other Backward Class). The school record of the father of the petitioner of the year 1945 records the tribe as Hindu Suryawanshi Koli. The school record of the uncle of the petitioner records tribe as Koli. The record of the cousin grandfather of the petitioner records tribe as Koli. The record of the one of the paternal uncle of the petitioner records tribe as Hindu Suryawanshi Koli and in respect of record of second cousin caste is recorded as Koli. These are all old documents. Not a single document records the tribe as Tokare Koli. Even the petitioner's own school record is contrary.

7. The validity certificates which are sought to be relied by the petitioner are in respect of persons who are separated to the petitioner by five to seven generations. The basic record of the petitioner's parents, his paternal uncle, grandfather is contrary to the claim of the petitioner. Even the petitioner has failed in the affinity test. There is nothing on record to even remotely consider the tribe of the petitioner as Tokare Koli (S.T.).

8. In view of the above, the Committee has not committed any error in invalidating the tribe claim of the petitioner. The writ petition is dismissed. No costs.

[A. M. DHAVALÉ, J.]

[S. V. GANGAPURWALA, J.]