

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

BENCH AT AURANGABAD.

WRIT PETITION NO.12353 OF 2017

Indumati W/o Rakhamaji Telange... Petitioner.

Versus

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

...
Mr.S.S.Thombre, advocate for the Petitioner.
Mr.A.V.Deshmukh, A.G.P. for the State.

...

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

Date : 29.01.2018.

PER COURT :

1. The tribe claim of the petitioner of
Dhoba - Scheduled Tribe is invalidated.
Aggrieved thereby the present petition.

2. Mr.Thombre, learned counsel for the
petitioner submits that during the pendency of
the proceedings, the petitioner has given an

application to the Committee that the petitioner wrongly obtained the caste certificate representing the claim on the basis of husband's right. In fact it ought to be from parental side. However, the application was rejected without assigning any plausible reason. The learned advocate further submits that the school record of the cousin sister of the petitioner shows caste being recorded as Dhobi. So also school record of the son, daughter records tribe as Dhoba. This evidence have been ignored by the Committee. Even affinity is not conducted as is required. On these count also the Committee has failed. The certificate is obtained validly from the office of the Executive Magistrate. Only because the record is not available, can not be a ground to impute mis-deed upon the petitioner.

3. Learned A.G.P. submits that the Committee has considered the record submitted by the petitioner and the vigilance, so also the report of the Tahsildar about the record.

4. With the assistance of learned counsel

for respective parties, we have gone through the judgment delivered by the Committee.

5. It has been observed that right from the year 1952, the caste of petitioner's parental relatives is recorded as Varathi. The entry of caste in the record of real brothers Bharat Ramji Lonwade and Vyankat Ramrao Lonwade is recorded as Varathi. In the record of the third brother Gangadhar Ramji Lonwade, the caste is recorded as Parit, whereas in respect of two real uncles of the petitioner, the caste is recorded as Varathi. The said record is of the year 1952 and 1962. Considering this contra evidence on record, the Committee has not committed any error in invalidating the tribe claim of the petitioner. Even if the petitioner applies for the certificate on the basis of the record from the parental side, the same is against the petitioner.

6. The Committee has considered these aspects and has invalidated the tribe claim. We do so not see any reason to interfere with the

said finding. Even the petitioner could not succeed in affinity test.

7. The Writ Petition is accordingly dismissed. No costs.

(A.M.DHAVAL, J.)

(S.V.GANGAPURWALA, J.)

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