

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

WRIT PETITION NO. 5241 OF 2019

Maheshwari Shivraj Ghodke .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Madhur A. Golegaonkar, Advocate for the Petitioner.
Shri S. B. Yawalkar, Addl.G.P. for Respondent Nos. 1 to 3.

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

DATE : 19TH JUNE, 2019.

FINAL ORDER :

. The caste claim of the petitioner as belonging to 'Wani' (Other Backward Class) category is invalidated.

2. Mr. Golegaonkar, the learned advocate for the petitioner submits that, the school record of the petitioner records caste as Wani. The old record of the year 1961 of the cousin grandfather of the petitioner namely Ghodke Babus Umaji records caste as Wani. The petitioner's father's school record records caste as Lingayat. According to the learned counsel, Lingayat is not contra entry. Lingayat is a sect. According to the learned counsel cousin grandfather of the petitioner has also filed affidavit substantiating relationship. The vigilance has not found that such relationship does not exist. The documents are found to be true and correct.

According to the learned counsel, the Committee without considering the said aspect has rejected it. The learned counsel for the petitioner to substantiate the entry of Lingayat in the school record of the father of the petitioner relies on the Government Resolution dated 04th September, 2014, by virtue of which in entry No. 190 Lingayat Mali, Lingayat Tamboli has also been included.

3. Mr. Yawalkar, the learned Additional Government Pleader for respondents/State supports the order of Committee and submits that, the relationship of the petitioner with alleged cousin grandfather has not been established. Same has been considered by the Committee. Entry of the school record of the father of the petitioner is contra entry. According to the learned Addl. G. P. no authentic record has been produced by the petitioner.

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

5. It is not disputed that the school record of the petitioner records caste as Wani. The school record of the father of the petitioner records caste as Laingayat. Lingayat is a sect. It cannot be independently said to be a caste. Lingayat in itself may not be a contra entry considering Government Resolution of the year 2014.

6. Moreover, we are more guided by the entry of Wani in the old school record of the cousin grandfather of the petitioner of the year 1961. The notification including caste Wani in O.B.C. is of the year

1967. The genealogy has been produced on record. The said cousin grandfather of the petitioner Babus Umaji Ghodke has also submitted affidavit substantiating relationship. The vigilance has not given any opinion that said relationship between the petitioner and Babus Ghodke does not exist. The documents produced on record did not contain any interpolation. Considering factual matrix of the matter and more particularly old record of the cousin grandfather of the petitioner of the year 1961 that is prior to notification recording caste as Wani and further no other contra evidence produced on record, the impugned order is quashed and set aside. The Committee shall issue validity certificate to the petitioner of Wani caste (O.B.C.) . Considering the fact that, the petitioner is opting for admission in professional course, same shall be issued within a period of three (03) days from today.

7. In view of the above, the writ petition is disposed of. No costs.

8. Parties to act on authenticate copy.

[MANGESH S. PATIL, J.]

[S. V. GANGAPURWALA, J.]

bsb / June 19