

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

WRIT PETITION NO. 459 OF 2011

Shri. Krunal S/o. Bhaskar Bawaskar Petitioner

Versus

The State of Maharashtra & Ors. Respondents

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Shri. A. S. Golegaonkar, Advocate for the petitioner

Shri. A. R. Kale, AGP for respondent/State

Shri. K. C. Sant, Advocate for respondent No. 4

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

DATE : 9TH APRIL, 2019

ORAL ORDER:

1. The caste claim of the petitioner as Kunbi (Other Backward Class) was referred to the Committee. The Committee invalidated the caste claim. Aggrieved thereby, the present petition.

2. Shri. Golegaonkar, learned counsel for the petitioner submits that, the Committee has discarded the school record of the cousin uncle of the petitioner – Vitthal so also of Kashinath. They are from the same lineage. The school record of Kashinath, the cousin

grand-father of the petitioner records caste as Kunbi. The school record of the paternal cousin great grand-father of the petitioner – Pandharinath also records caste as Hindu-Tilole Kunbi. The old record will have more evidentiary value. Even the validity is issued in favour of the cousin uncle of the petitioner. Same ought to have been considered by the Committee in its correct perspective. The validity issued in favour of cousin uncle Vitthal has been ignored and discarded by the Committee on unjustifiable ground. The documents on record have not been properly considered.

3. Learned Assistant Government Pleader submits that, the school record of the petitioner's father and grand-father records caste as Maratha and in case of real paternal aunt, the caste is recorded as Hindu-Non BC.

4. We have considered the submissions.

5. It appears that the school record of the father of the petitioner records caste as Maratha. Even the school record of the real grand-father of the petitioner records caste as Hindu-Maratha. The said entry is of 04.06.1942. In the Home inquiry also, the statements have been record of the Sarpanch, Police Patil wherein they have stated that the petitioner's family is Maratha Patil.

6. The petitioner would get caste from his father. The father and the grand father of the petitioner claim themselves to be Maratha. The Committee has also observed that, Vitthal, who is fourth degree cousin of the petitioner during the course of his validation proceedings, the home inquiry has not been conducted by the vigilance also.

7. Considering the pre-independence documents of the real grand-father of the petitioner so also of the father of the petitioner recording caste as Maratha, we do not find that the Committee has committed any error.

8. The Writ Petition is as such dismissed. No costs.

[A. M. DHAVAL]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

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