

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 9963 OF 2017***

Avinash Krishnath Patil ... Petitioner
Vs
The State of Maharashtra & Ors. ... Respondents

Mr. Prashant Bhavake, Advocate for the Petitioner.
Mr. Suryajeet P. Chavan, Advocate for the Respondent
No. 4.
Mr. A.P. Vanarse, AGP for Respondents No. 1 & 2.

***CORAM : B.P.DHARMADHIKARI &
SANDEEP K. SHINDE, JJ***
DATE : AUGUST 28th, 2019

P.C.:

1. We have heard controversy in first half and again in second half.
2. Petitioner has been denied validity, as 'Kunbi', after observing that his relationship with Dnyanu, who has been recorded as belonging to 'Kunbi' caste is not established. The Committee has observed that at Shirol, Dumala there are two distinct entries of death of Dnyanu, Dnyanu Vithu Patil at Shirol and Dyanu Rama Patil at Wakare were different persons.

3. This order of Committee is dated 22.08.2017.
4. Learned AGP has, for convenience of the Court, made available relevant records and pointed out that one Arun Ramchandra Patil has been given validity on 13.02.2019.
5. We have perused said order giving validity to Arun. There while recording finding on relationship, Committee has in para no. 3 mentioned that grandfather Dnyanu Vitthu Patil shifted to Shirolu for education and hence his School Leaving or other records are from Shirolu. There in Family Tree the name of the present petitioner, Avinash also appears. Committee has observed that it has perused original Register of school at Shirolu and found that in the said Register at Sr.No.128, name of the student Dnyanu Vitthu Patil with date of birth 02.01.1912 appears. In the same Register at Sr. No. 177, there is reference to other student with same name, but different date of birth. This other Dnyanu Vitthu Patil is shown as born on 02.03.1912. Committee has therefore concluded that two students with same name were taking education in that school. It has

therefore accepted claim of Arun and his relationship with Dnyanu, whose caste has been recorded as 'Kunbi'.

6. Learned counsel appearing for intervenor for Respondent No. 4 has submitted that Dnyanu with which Scrutiny Committee and present petitioner is concerned never shifted to Shirol. The contention is he was at Wakare. Affidavit of cousin of the petitioner is relied upon to buttress this submission. Similarly, to demonstrate that Dnyanu at Shirol has no relationship with the petitioner, affidavit of one of his grandson namely Anil Ravji Patil is also relied upon.

7. In this jurisdiction, we can only find that after noticing the caste claim of the present petitioner and its invalidity, committee appears to have given validity to Arun, who is shown to be his cousin by present petitioner Avinash. We also add here that name of Ravji shown as one of the sons of Dnyanu of Shirol is not appearing in Family Tree submitted by the petitioner.

8. We are therefore satisfied that in so far as claim of the

present petitioner is concerned, Respondent No. 2-Committee has to reconsider its findings in the wake of material, which has come on record.

9. To facilitate that exercise, we restore the matter back to file of Respondent No. 2. We direct the petitioner as also Respondent No. 3 to appear before Committee on 25.09.2019 and to abide by its further instructions in the matter. Committee shall on that day call for records of caste matter of Arun Ramchandra Patil and its order dated 13.02.2019 and permit the parties to inspect that record. After that, it shall also grant time of two weeks to them to place on record additional documents or affidavit, if any.

10. After this stage, Committee shall within next three months decide caste claim of the petitioner Avinash, afresh. Interim orders already passed by this Court to continue and shall be subject to such adjudication.

11. Petition is thus partly allowed and disposed of. No Costs.

(SANDEEP K. SHINDE, J.) (B.P. DHARMADHIKARI, J.)

(This order is corrected as per speaking to minutes dated 16.09.2019).