

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

1137 Writ Petition No.14329 Of 2021

Abhijeet Gangadhar Kanode and Another .. Petitioners

Versus

The State of Maharashtra and Others ..Respondents

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Mr. V.D. Sapkal, Senior Advocate i/by. Mr. Mahesh B. Karande,
Advocate for the Petitioners

Mr. S.K. Tambe, AGP for the Respondents / State

Mr. M.D. Narwadkar, Advocate for Respondent No.3

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**CORAM : S. V. GANGAPURWALA AND
S. G. DIGE, JJ.**

DATE : 21-12-2021

PER COURT :

1. The caste claims of the petitioners as belonging to “Koli Mahadev” Scheduled Tribe are invalidated.

2. Mr. Sapkal, learned Senior Counsel for the petitioners submits that as per the GR dated 30-10-2018 issued by the Tribal Development Department the references in the books and the other literature documents are required to be considered. The learned Senior Advocate further submits that the petitioner has filed detailed reply on 29-11-2021 after earlier reply dated 03-09-2021. The documents referred to in the said reply were not at all considered by

the Committee. The said documents were also required to be considered. The learned Counsel submits that, the matter be remitted back to the Committee.

3. The learned AGP submits that the contra entries on record have been considered by the Committee. The petitioner has failed in the affinity test. All the aspects are considered.

4. The matter pertains to the declaration of the social status of the petitioner. The petitioner claims to have relied upon the documents as detailed in the reply dated 29-11-2021 and 03-09-2021. According to the petitioner the same are not considered.

5. In light of above, we are inclined to grant one more opportunity to the petitioner.

6. The impugned Judgment is quashed and set aside.

7. The parties are relegated before the Respondent - Committee.

8. The petitioner shall appear before the Committee on 10-01-2022. The Committee may consider the documents relied by

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the petitioner in his reply dated 03-09-2021 and 29-11-2021 and in case the vigilance is not conducted in some of the documents, then the Committee is entitled to consider the same. The petitioner may bring GR dated 30-10-2018 to the notice of the Committee and may make submissions in that regard. That submissions would be considered by the Committee on it's own merits.

9. The Committee may endeavour to decide the said proceeding expeditiously on or before 30-05-2022.

10. Writ Petition is accordingly disposed of. No costs.

(S. G. DIGE)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

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