

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

97 WRIT PETITION NO.1858 OF 2020

NAVNATH YAMAJI JAMKAR

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner: Mr. Salve Sunil V

AGP for Respondents: Mr. S. B. Yawalkar

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

DATE: 10th JANUARY, 2022

PER COURT:

1. The tribe claim of the Petitioner as belonging to Dhargar, N.T. is invalidated.

2. The learned Counsel for the Petitioner submits that the home enquiry was not conducted. There are no contra documents. Only on the ground that documents prior to 1961 are not placed on record, the Committee has invalidated the claim.

3. We have heard the learned A.G.P.

4. From the documents on record it does not transpire that there is any document demonstrating contra entry. Of course, the documents are of recent origin. However, if, the Committee is not satisfied with the documents placed on record then, in such case, the Committee before

invalidation ought to have conducted the affinity test and / or the home enquiry. We could have appreciated the Judgment, if, there were some contra entries on record, but that is not the fact.

5. In light of that, the impugned Judgment is quashed and set aside.

6. The matter is relegated before the Committee.

7. The Petitioner shall appear before the Committee on 14.02.2022.

8. The Committee shall re-consider the matter and if the Committee is not satisfied with the documents on record shall conduct such tests such as the home enquiry, affinity test etc. The Committee shall endeavour to decide the proceeding within six (06) months.

9. The Writ Petition accordingly stands disposed of. No costs.

[S. G. DIGE, J.]

[S. V. GANGAPURWALA, J.]

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