

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

962 WRIT PETITION NO.1535 OF 2020

KUM. GAURI D/O JITENDRA SAINDANE
THROUGH FATHER JITENDRA KASHINATH SAINDANE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. A. S. Golegaonkar, h/f Mr. M. A. Golegaonkar.
AGP for Respondent/State: Mr. P. S. Patil.
Advocate for Respondent No.4: Mr. S. G. Karlekar.
...

CORAM : **S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.**

DATE : 18th January, 2022.

PER COURT:

. The caste claim of the petitioner as belonging to Tokre Koli
Scheduled Tribe in invalidated.

2 Mr. Golegaonkar, learned counsel for petitioner submits
that the oldest entry is in the name of Ramdas Dodha Nimji of the year
1926 i.e. birth record whereby the caste is recorded as Tokre Koli. The
vigilance did not verify the same on the ground that the record is not
available. The petitioner within three days applied for certified copy
and produced the certified copy before the Committee. The same
ought to have been considered. The learned counsel submits that
during the pendency of present petition, the petitioner could lay hands
on another old record of the paternal relative namely Damota Ramdas

of the year 1921 where her caste is recorded as Tokre Koli. However, the said document could not be produced before the Committee. The learned counsel submits that the genealogy prepared by the vigilance is not totally correct. The signature of the petitioner was obtained on blank paper. The petitioner has denied the relationship with Banu Dodha, Kamla Dodha, Chintaman Dodhu and Jairam Dodha so also Ramrao Dodhu Nimji. The one related to the petitioner is Ramdas Dodha. The said aspect has not been properly considered by the Committee. The learned counsel also relies on the birth record of Vatsala Ramdas of the year 1949 to substantiate the contention that the petitioner belongs to Tokre Koli.

3 The learned AGP submits that the vigilance has prepared genealogy on the say of the father of the petitioner. He has signed the said genealogy and has also affirmed that the said genealogy is prepared as per his say. The learned AGP submits that there are many contra entries of preconstitutional era. The same has been considered. The petitioner has also failed in the affinity test.

4 The petitioner seeks to place on record the document i.e. birth extract of Damotabai d/o Ramdas. The same, according to the petitioner, is of the year 1921 and the petitioner could lay hands only after filing of the present petition. Naturally, the same is required to be

considered by the vigilance and thereafter, by the Committee. The name of Damotabai also appears in the genealogy.

5 Considering that the matter involves the social status of the petitioner, we are inclined to grant one more opportunity to the petitioner to produce additional document before the Committee.

6 In light of the above, we pass the following order:

ORDER

- I. The impugned judgment is quashed and set aside.
- II. The parties are relegated before the Committee.
- III. The petitioner shall appear before the Committee on 31st January, 2022.
- IV. The petitioner may place on record the additional document.
- V. The Committee may conduct vigilance in respect of the additional document produced by the petitioner. Thereafter, the proceedings be decided expeditiously, preferably within three months from the date of appearance.

VI. The writ petition is accordingly disposed of. No costs.

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[SHRIKANT D. KULKARNI, J.]

[S. V. GANGAPURWALA, J.]