

**BASAVRAJ  
GURAPPA  
PATIL**

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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO. 7765 OF 2015**

Sharanya Laxman Poojari

..... Petitioner

Vs.

State of Maharashtra & Ors.

..... Respondents

Mr. Chintamani K. Bhangoji for the Petitioner

Mrs. P. N. Diwan, AGP for the State

**CORAM: S.V.GANGAPURWALA &  
MADHAV J. JAMDAR, JJ.**

**DATED : AUGUST 22, 2022**

**P.C.**

1 Rule.

Rule is made returnable forthwith.

By consent of the parties, taken up for final hearing.

2 The caste claim of the Petitioner as belonging to Billawa, OBC is  
invalidated.

3 The learned Counsel for the Petitioner submits that the school  
record of the grandfather of the Petitioner of the year 1946 records  
the caste as Billawa. The school record of the Uncle of the Petitioner  
also records the caste as Billawa. The Committee has invalidated the  
caste claim of the Petitioner only on the ground that the document  
prior to 1967 does not exist.

4 The learned AGP submits that the school record of the Petitioner does not record caste as Billawa. It records the caste only as Hindu. No documents prior to the notified date have been produced by the Petitioner. The claim has been rightly negated.

5 We have considered the submissions. We have also gone through the judgment.

6 The notified date for OBC / deemed date is 13<sup>th</sup> October 1967. The Petitioner had produced and also the Committee has recorded in the order the extract of the register of admission issued by the Headmaster, Higher Primary School, Yellur, Udupi, Karnataka i.e. the document of the grandfather of the Petitioner of the year 1947 wherein the caste is recorded as Hindu Billava.

7 Upon perusal of the vigilance report, it also transpires that the Vigilance Committee has not verified the said document. In fact, the said document is of pre-constitutional period. Said document will have higher probative value. The Vigilance Committee ought to have verified the said document. The father of the Petitioner in 1962 was studying in Mumbai i.e. prior to the deemed date. The Vigilance was only required to verify the school record of the grandfather of the Petitioner of the year 1947. The recording of "Hindu" in the caste column cannot be said to be a contra entry. "Hindu" denotes

“religion” and not the “caste”.

8 As the vigilance has not been conducted in respect of the document produced by the Petitioner i.e. the school extract of the grandfather of the Petitioner, we set aside the impugned order and remit the matter back to the Committee.

9 The Committee shall direct vigilance to be conducted in respect of the document produced by the Petitioner viz; school record of the grandfather of the Petitioner issued by the Headmaster, Higher and Primay School, Yellur, Udupi, Karnataka.

10 The Petitioner shall appear before the Committee on 8<sup>th</sup> September 2022.

11 The Committee, after conducting the vigilance, as observed above, shall decide the same afresh, preferably within four months from the date of appearance.

12 Rule is accordingly made absolute in the aforesaid terms.

13 Writ Petition is disposed of. No costs.

**(MADHAV J. JAMDAR,J.)**

**(S.V. GANGAPURWALA, J.)**