

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

**908 CIVIL APPLICATION NO.108 OF 2023
IN RAST/34374/2022 WITH RAST/34374/2022**

**NILESH SAMADHAN JADHV
VERSUS**

THE STATE OF MAHARASHTRA THROUGH THE SECRETARY AND OTHERS

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Advocate for Applicant : Mr. Shinde Balaji S.
AGP for Respondent Nos. 1 & 2 : Mrs. M.A. Deshpande
Advocate for Respondent No. 4 : Mr. M. N. Navandar

**CORAM : MANGESH S. PATIL &
ABHAY S. WAGHWASE, JJ.**

DATE : 28.03.2023

PER COURT :

Heard. The delay is condoned.

2. Heard the learned advocates even in respect of the review application. The applicant claiming to be a 'Tokre Koli' scheduled tribe was disputing the decision of the Caste Scrutiny Committee refuting his claim which challenge was turned down by our judgment and order dated 08.09.2022.

3. The learned advocate for the applicant would submit that this Court has relied upon some entries in respect of the near relations which were showing them as 'Hindu Magaslela'. This Court in the decisions reproduced in paragraph No. 5 of the order under review has specifically held that word 'Magaslela' need not be given importance. As far as the entries in respect of the relations showing them to be 'Hindu Suryawanshi Koli' the learned advocate submits that in the erstwhile State of Karveer the word 'Suryawanshi' was not being used to describe the caste of an individual. The applicant requests for an opportunity to once again go back to the Scrutiny Committee to substantiate these facts.

4. Obviously, this being a review the applicant is invoking the

extraordinary jurisdiction. The scope for scrutiny of the order under review is limited and circumscribed by the provision of Section 115 of the Code of Civil Procedure. Accepting the arguments of the learned advocate for the applicant at its face value, at the most, these arguments would be appropriate in a proceeding challenging our order rather than compel us to undertake a review.

5. A careful reading of the order under review, particularly paragraph No. 8 demonstrates that the contrary entries of the relatives post the Presidential order between 1956 and 1960 were showing them to be 'Hindu Suryawanshi Koli' which falls under 'Other Backward Classes'. As far as the other relatives who were born between 1957-1969 they were shown as 'Hindu Magaslela'. It was specifically noted that no attempt was made either before the Scrutiny Committee or even before us to furnish some explanation about such long standing inconsistent entries. We had also recorded as to how the applicant tried to rely upon the validities of the relatives from the maternal side and also was unable to prove the genealogy and the relations with the validity holders.

6. Taking note of the fact that this Court was not supposed to sit in appeal over the order passed by the Caste Scrutiny Committee, the aforementioned circumstances taken note of by the Scrutiny Committee were found sufficient to justify the decision. We have simply demonstrated that it was a plausible decision based on correct appreciation of the evidence that was available to the committee.

7. There are no sufficient and cogent reasons to undertake a review.

8. The Review Application is dismissed.

(ABHAY S. WAGHWASE, J.)

(MANGESH S. PATIL, J.)

mkd/-