



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

902 WRIT PETITION NO. 14100 OF 2024

Sai Ravishankar Kawathale	...Petitioner
Versus	
State Of Maharashtra Through Its Secretary And Another	...Respondent

Shri S. B. Sontakke, Advocate for the Petitioner
Shri P. S. Patil, AGP for Respondent Nos. 1 and 2

**CORAM : S. G. MEHARE &
SHAILESH P. BRAHME, JJ.**

DATED : 29th JANUARY, 2025

PER COURT :

1. Heard both sides finally at the admission stage considering exigency in the matter.
2. The petitioner is challenging judgment and order dated 23.08.2024 passed by respondent No.2/Scrutiny Committee thereby invalidating his caste claim of 'Wani', Other Backward Class.
3. Petitioner is relying on school record of himself, his father and grandfather. He is also relying on revenue record of cousin grandfather. Learned counsel for the petitioner

submits that the documents produced on record are corroborating the caste claim. The committee totally erred in discarding the evidence on record. He would submit that during the vigilance inquiry, statements were recorded and the information was collected which support his case. It is further submitted that revenue record of cousin grandfather is of the year 1958, which should not have been discarded. There was proper verification of the documents on record. The committee should have allowed the caste claim of the petitioner.

4. Per contra, learned AGP submits that the vigilance inquiry was conducted and the documents produced on record were indicating caste either 'Hindu Lingayat' or 'Lingayat Wani'. There is no convincing evidence to corroborate the caste claim and to show that petitioner belongs to 'Wani'. During vigilance, original revenue record of cousin grandfather Vishwanath Gangaram Kawathale was called for and it was found to be tampered. The committee has taken plausible view and no interference is called for.

5. We have considered the rival submissions of the parties. Learned AGP has tendered original papers on record. We have gone through the relevant papers.

6. The petitioner has placed on record the school record of himself, his father and his grandfather. The school record of father and grandfather show caste as 'Hindu Lingayat'. 'Hindu Lingayat' may not be contrary entry, but that is not corroborating the caste claim of the petitioner. Petitioner is safely relying upon revenue record of cousin grandfather Vishwanath. The committee has found the revenue record to be tampered, after verifying the original record. There is no reason for us to take any contrary view.

7. The petitioner has not produced sufficient, adequate and convincing evidence on record. The school record does not indicate caste as 'Wani'. The revenue record is also doubtful. We have gone through the report of vigilance inquiry. It also indicates that the home inquiry shows that the petitioner and his family members belong to 'Lingayat

Wani'. Though 'Lingayat Wani' is not a contrary record, but it does not corroborate the caste claim.

8. Learned counsel for the petitioner has adverted our attention to the Government Resolution dated 25.06.2008. Castes of Other Backward Class are included and for that purpose, Sr. No. 6 is shown to us. The claim of the petitioner is for the caste of 'Wani'. He has also adverted our attentions to the Government Resolution dated 04.09.2014 to show that at Sr. No. 190 'Lingayat Wani' has been included. There is original entry of 'Wani'. He would contend that 'Wani' and 'Lingayat Wani' are at the same entry. We do not find that any benefit can be extended to the petitioner from the Government Resolutions referred above.

9. The committee has taken reasonable and plausible view. We do not find any perversity or patent illegality in the decision arrived at by the committee. We, therefore, find no substance in the petition. We, therefore, dismiss the petition. However, this dismissal may not preclude the

petitioner from claiming or securing the caste certificate for
‘Lingayat Wani’ on its own merits.

(SHAILESH P. BRAHME, J.)

(S. G. MEHARE, J.)

Komal/