

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

WRIT PETITION NO. 8284 OF 2013

ABDUL AQUEEL ABDUL JAMEEL  
VERSUS  
THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Petitioner : Ansari A.N.  
AGP for Respondents State : Mr.G.K.Thigale

.....

WRIT PETITION NO. 8285 OF 2013

ABDUL MUHEET ABDUL HAQUE  
VERSUS  
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Petitioner : Ansari A.N.  
AGP for Respondents State : Mr.G.K.Thigale

...

**CORAM : S.V.GANGAPURWALA &  
V.L.ACHLIYA,JJ.  
DATE : 3rd February, 2015.**

**P.C. :**

Mrs.Ansari, learned counsel submits that the caste claim of the petitioners as belonging to Momin-Other Backward Classes has been invalidated. The documents produced on record have not been properly appreciated. There is not a single contra evidence on record. The genealogy has also been proved by affidavit. The committee has failed to consider old documents that is of Abdul Mannan i.e. uncle who was working with the Uman Shah Mills Ltd.

Momins are associated with doing the job of weaving. For the said purpose, learned counsel relied on the circular issued by the Government dated 19/10/1995. According to the learned counsel, in the present Writ Petition, also two more documents are produced; one is dated 1/10/1958 which shows that the cousin grand father of the petitioner was a member of Weaving Cooperative Society and his caste is also mentioned as Momin. Another document shows election of said cooperative society in which even petitioner's cousin grand father has participated. All these documents unequivocally go to show that the petitioner belongs to Momin community.

2] Mr.Thigale, learned AGP states that the committee has considered all the documents produced on record. There is not a single document produced on record prior to the Presidential Order. All the documents are of recent origin which cannot have more probative value. According to the learned AGP, as genealogy is also not proved, old documents produced by the petitioners cannot be considered. Only because cousin grand father of the petitioner was serving with Weaving mill that cannot prove ipso facto that the petitioner belongs to Momin caste.

3] We have heard learned counsel for respective parties. Upon perusing documents, one thing is clear that there is not a single contra evidence on record. Whatever documents are produced by the petitioners show the caste as Momin. The old documents relied are about the factum of the cousin uncle working with mill. The cousin grand father being member of the Weaving Cooperative Society, the said documents produced in the present Writ Petition

were admittedly not filed before the committee. The genuineness of the said documents will have to be considered, so also its relevancy to prove the claim. Considering the fact that there is no contra evidence on record and further two new documents are sought to be produced on record. We are inclined to give one more opportunity to the petitioners.

4] In light of above, impugned judgment and order are quashed and set aside. Parties are relegated before the Committee for deciding validation proceedings in respect of caste claim of petitioners as belonging to Momin – Other Backward Classes afresh. The petitioners shall appear before the Committee on 23/2/2015. The petitioners are at liberty to produce additional documents. The committee may consider genuineness and the relevancy of the said documents. Considering the fact that the matter is remitted back, the committee shall endeavor to decide the proceedings expeditiously. Writ Petitions are disposed of with above observations and directions. No costs.

**V.L.ACHLIYA,J.**

**S.V.GANGAPURWALA,J.**

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