

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

1015 WRIT PETITION NO.8813 OF 2019

SHANTANU GOPAL YENCHEWAD

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

1016 WRIT PETITION NO.8814 OF 2019

OMKAR GOPAL YENCHEWAD

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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Mr. S.M.Vibhute, Advocate for Petitioners.

Mr. P.S.Patil, AGP for Respondents-State.

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**CORAM : S.V. GANGAPURWALA AND
MANGESH S. PATIL, JJ.**

DATE : 19.07.2019

PER COURT :-

1. The caste claim of the petitioners as 'Koli Mahadev' Scheduled Tribe is invalidated.

2. There are certain contra evidences on record. So also the petitioners have relied on the validity issued to the real uncle and aunt. We have gone through the validity issued in favour of the aunt Savita. In the said judgment, we did not find the entries in the school record of Savita and petitioners' father being referred thereto. The petitioners have tried to rely on the old document i.e. sale deed in Urdu Script

wherein it is shown that the caste of Laxman is recorded as 'Koli Mahadev'. The Committee has observed that the original document has not been brought on record and as per the photo copy submitted, the same appears to be new. However, such a finding can only be arrived at, if the original is before the Committee. Mr. Vibhute, the learned counsel submits that the petitioners be given an opportunity to prove the claim by producing the original and such other documents.

3. In the light of above, we pass the following order :

ORDER

(i) The impugned orders are quashed and set aside.

(ii) The matters are remitted back to the Committee for deciding it afresh.

(iii) The petitioners may appear before the Committee on 01.08.2019.

4. The Writ Petitions are disposed of.

(MANGESH S. PATIL, J.)

(S.V. GANGAPURWALA, J.)

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vmk/-