

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

55 WRIT PETITION NO.9975 OF 2018

SAIPRASAD BAPURAO KORE

..PETITIONER

VERSUS

DIRECTOR OF MEDICAL EDUCATION AND RESEARCH CET CELL
AND OTHERS

..RESPONDENTS

...

Mr. Mahesh Deshmukh h/f Mr. Sagar S. Phatale,
Advocate for the Petitioner.

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

Mr. Mrigesh D. Narwadkar, Advocate for Respondent
No.2.

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

DATED : 16th JULY, 2019.

PER COURT:-

1. Mr. Deshmukh, learned counsel for the petitioner submits that the document in favour of the great grandfather of the petitioner namely Shankar Bhiva Kore is not considered by the committee. The document is certified copy issued by the Gulbarga Court and is of the year 1356 Fasli equivalent to 1946. In the said document the caste of the great grandfather of the petitioner is recorded as Mahadev Koli. Only on the ground that there were some forged documents produced before Udgir Court, the said document is discarded. The said document ought to have been considered on its own merits.

2. Mr. Patil, learned A.G.P. submits that the school record of the petitioner, petitioner's father and grandfather record caste as Koli. These are the contra evidence on record. The same has been considered by the committee.

3. No doubt, the old record, if genuine has a more probative value. The committee ought to have considered the said documents on its own merits. It could have considered the said documents vis-a-vis the contra entry in the record of the father and grandfather of the petitioner. However, committee was required to consider the said document on its own merits alongwith other documents.

4. In light of the above, we set aside the impugned order of the committee and remit the matter to the committee for decision on its own merits. The committee shall consider the document in favour of the Shakar Bhiva Kore issued by the Gulbarga Court on its own merits so also the other documents on record and take decision before 18.07.2019. The petitioner shall appear before the committee today itself.

5. Writ Petition is disposed of. No costs.

(MANGESH S. PATIL)
JUDGE

(S. V. GANGAPURWALA)
JUDGE