

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

WRIT PETITION NO. 8269 OF 2020

SHRADHA NANDKUMAR YEMULWAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr. Anandsingh S. Bayas, Advocate for the petitioner
Mr. P. S. Patil, Addl. G.P. for the respondents/State.

CORAM : S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.

DATE : 16th December, 2020

ORDER:

1. Caste claim of the petitioner of Koli Mahadev is invalidated. Mr. Bayas, the learned counsel for the petitioner submits that in the school record of the grandfather of the petitioner namely Khanderao, caste is recorded as Koli Mahadev. The Committee, without calling for the record of the school, only on the basis of photocopy acquired by the vigilance, has held that whitener has been applied, original entry is erased and change in the dates is made. The same is not in tune with the original record.

2. According to the learned counsel, paternal cousin namely Arun Yemulwad is issued with the validity certificate of Koli Mahadev Scheduled Tribe. The same has not been considered by the Committee. The school record of petitioner's father, uncle records the caste as Koli Mahadev. The persons who are not related to the petitioner are shown as petitioner's relative only for the purpose of contra entries. The petitioner also proved affinity test as per the vigilance report.

3. The learned Addl. G.P. submits that Arun Yemulwad has been granted validity on the basis of validity of his brother. Contra entries

with regard to petitioner's father, uncle, grandfather were suppressed by Arun Yemulwad while getting the validity. The petitioner failed in the affinity test.

4. It appears that there are contra entries in respect of petitioner's cousin grandfather. As far as grandfather is concerned, the Committee has found interpolation and the whitener being applied. According to the petitioner, the same was without going through the original record. The learned counsel for the petitioner submits that the petitioner be granted one more opportunity to prove that the entry in the school record of the grandfather of the petitioner is not interpolated. Considering that the matter pertains to social status of the petitioner, we are inclined to grant one more opportunity.

5. In light of that, the parties are relegated before the Committee. The petitioner shall appear before the Committee on 19.12.2020. The Committee shall call for the original record of Zilla Parishad Primary School, Dhanora Bk. bearing entry No. 337 dated 25.08.1952.

6. The Committee shall consider the original record and thereafter decide the matter afresh. The same shall be done expeditiously, preferably by 30th December, 2020.

7. Writ petition disposed of. No costs.

(SHRIKANT D. KULKARNI, J.)

(S. V. GANGAPURWALA, J.)