

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.11342 OF 2015

Srishti d/o Dilip Folane,
Age-11 years, Occu:Student
Through Guardian,
Dilip Sukhdeo Folane,
R/o-Takali, Tq-Jafrabad,
Dist-Jalna,
At Present - R/o- Fattepur Road,
Teacher Colony, Bhokardan,
Tq-Bhokardan, Dist-Jalna.

...PETITIONER

VERSUS

- 1) Javahar Navoday Vidyalaya,
Amba-Partur, Dist-Jalna,
Through, the Principal,
- 2) The Sub-Divisional Officer,
Bhokardan, Tq-Bhokardan,
Dist-Jalana,
- 3) Scheduled Tribe Certificate,
Scrutiny Committee,
Aurangabad Division, Aurangabad.

...RESPONDENTS

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Mr.E.S. Murge Advocate for Petitioner.
Mr.S.B. Deshpande, Assistant Solicitor
General for Respondent No.1.
Mr. P.S. Patil, A.G.P. for Respondent
Nos. 2 and 3.

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**CORAM: R.M. BORDE AND
A.I.S. CHEEMA, JJ.**

DATE : 15TH DECEMBER, 2015

ORAL JUDGMENT [PER R.M. BORDE, J.] :

1. Heard. Leave to add Scrutiny Committee as party Respondent. Amendment to be carried out forthwith. Shri Patil, learned A.G.P. waives notice for Respondent No.3 - Scrutiny Committee.

2. Rule. Rule made returnable forthwith. With the consent of learned counsel for the parties, the Petition is taken up for final disposal at admissions stage.

3. The Petitioner who is a minor, claims to be belonging to "Koli Malhar", Scheduled Tribe. She is desirous of securing admission to Javahar Navoday Vidyalaya and has already been selected for admission to the said School. Since the Petitioner does not possess the tribe certificate

issued by the competent authority, in her name, she was not granted admission to the Respondent No.1 - school.

4. By virtue of the interim order passed by us on 20th November 2015, Shri Deshpande, learned Assistant Solicitor General for Respondent No.1 states that the Petitioner has been provisionally admitted to Respondent No.1 School. It is stated that she would be permitted to attend the classes. The Petitioner, minor, has already tendered application to the Sub Divisional Officer for issuance of tribe certificate, however she has been directed to produce pre-Constitutional documentary evidence.

5. Since the Petitioner's father is in receipt of tribe certificate issued by the competent authority, we direct Respondent No.2 - Sub Divisional Officer to issue tribe certificate in favour of the Petitioner without embarking upon

further inquiry in the matter, as expeditiously as possible, preferably within a period of TWO WEEKS from today.

6. The Petitioner, on receipt of tribe certificate, shall submit the proposal for validation of the tribe certificate to Respondent No.3 - Scrutiny Committee through Respondent No.1 - School, within a period of EIGHT WEEKS from the date of receipt of the tribe certificate. On receipt of the proposal by the Scrutiny Committee, the same shall be scrutinized and decision in respect of validation shall be rendered as expeditiously as possible, preferably within period of SIX MONTHS from the date of receipt of proposal. The Petitioner undertakes to co-operate with the Scrutiny Committee in respect of inquiry relating to validation of the tribe certificate.

7. Respondent No.1 - School shall permit the Petitioner to pursue the studies, subject to

decision of the validation of the tribe certificate by Respondent No.3 - Scrutiny Committee and shall also permit her to appear for examination and, shall be admitted to the next class.

8. Rule is accordingly made absolute in above terms. There shall be no order as to costs.

[A.I.S. CHEEMA, J.]

asb/DEC15

[R.M. BORDE, J.]