

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 379 OF 2014

(Umesh s/o Pratapsingh Rabde vs. Scheduled Tribe Certificate Scrutiny Committee, Amravati thr.
its Member Secretary & Ors.)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's orders

**CORAM : B.P. DHARMADHIKARI &
P.N. DESHMUKH, JJ.
AUGUST 17, 2015.**

Heard Shri Parsodkar, learned counsel for the petitioner. Nobody appears for respondent No. 1 – Committee, Respondent No. 2 – College and Respondent No. 3 – University.

This Court has on 23.01.2014 while issuing notice in the matter, directed Respondent Nos. 2 & 3 to accept the Examination form of the petitioner and to permit him to appear for the Forth Semester Examination of Bachelor of Engineering, provisionally. That order continues to hold the field even today.

Here, Respondent No. 1 – Committee has, by order dated 07.01.2014 invalidated the caste claim of the petitioner as belonging to Naikada, Scheduled Tribe. The counsel for the petitioner has pointed out that on the same date, the Scrutiny Committee has also invalidated the caste claim of the petitioner's father Pratapsingh Malkhan Rabade as belonging to Naikada, Scheduled Tribe. That order was questioned in Writ Petition No. 363 of 2014 before this Court and on 10.11.2014, this Court allowed that petition. The

matter has been sent back to the Committee for hearing and fresh disposal in accordance with law. The parties were directed to appear before the said Committee on 08.12.2014 and the Committee was directed to decide the matter within a period of ten months.

Thus, the order of very same date and very same Committee in respect of the father of the petitioner has been set aside. The impugned order in this matter, therefore, cannot survive. It is hereby set aside. The matter is placed back before the Scrutiny Committee and it is directed to decide the matter as per orders of this Court dated 10.11.2014 in Writ Petition No. 363 of 2014. We direct the petitioner to appear before Respondent No. 1 – Committee on 25.08.2015 and to abide by its further instructions in the matter.

Writ Petition is partly allowed and disposed of. No order as to costs.

JUDGE

JUDGE

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