

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.7162 OF 2016

Yahaya Azam s/o Qurram Ahmed Khan
and another

Petitioners

Versus

State of Maharashtra & another

Respondents

Mr.H.D.Deshmukh, advocate for the petitioners.
Mr.P.S.Patil, A.G.P. for Respondents.

**CORAM : R.M.BORDE &
K.L.WADANE, JJ.**

DATE : 11th July, 2016

PER COURT:

1 Both the petitioners, who are real brothers *inter se*, claim to be belonging to 'Tadvi', a Scheduled Tribe.

2 It is contended that their father is possessed of validity certificate. The issue in respect of verification of tribe certificates issued in favour of both the petitioners is stated to be pending with the Scrutiny Committee.

3 So far as petitioner no.1 is concerned, it is stated that he has appeared for MH-CET examination and is likely to secure admission to medical course as against a seat earmarked for Scheduled Tribe category. In view of condition no.5 contained in Annexure-A to the Notification in respect of admission process, issued by the State, the candidate claiming Constitutional Reservation is required to produce the caste/tribe validity

certificate at the time of presentation of preference form. Petitioner No.1, though did not possess validity certificate, has been permitted to tender preference form in view of certain directions issued by this Court earlier in similar matters. Petitioner no.1 is, however, required to tender an undertaking to produce validity certificate before 22.07.2016; and it has been informed that he would not be entitled to get admission unless he produces the validity certificate before 22.07.2016.

4 It is the contention of petitioners that the proposals for verification of tribe certificates, issued in their favour, are pending with Respondent-Scrutiny Committee and it is not within their domain to secure the validity certificates within the prescribed time provided in the undertaking.

5 Considering facts and circumstances of this petition, petition can be disposed of by issuing following directions:

(A) Respondent No.2-Scrutiny Committee is directed to decide the proposals in respect of verification of tribe certificates of both the petitioners, as expeditiously as possible, preferably within a period of six months from today.

(B) Claim of petitioner no.1 for admission to medical course shall be considered treating him as a candidate belonging to Scheduled Tribe category, however, subject to production of validity certificate.

(C) If petitioner no.1 is found eligible to secure admission to medical course, he shall be admitted to medical course and no adverse action be taken against him only on account of his failure to tender validity certificate within the time limit provided under the undertaking.

6 With the directions as above, writ petition stands disposed of.

K.L.WADANE
JUDGE

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R.M.BORDE
JUDGE