

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

WRIT PETITION NO. 5625 OF 2018

1. Aarti d/o Kashinath Bogulwar  
age minor, occ. Education,  
r/o Hottalbase Galli, Degloor  
Tq. Degloor, Dist. Nanded  
Through father & natural guardian  
Kashinath s/o vithalrao Bogulwar  
age 47 years, occ. service  
r/o as above.
2. Vaishnavi d/o Ramakant Padalwar  
age minor, occ. education  
r/o Eklara, Tq. Mukhed  
Dist. Nanded  
Through father & natural guardian  
Ramakant s/o Shankarrao Padalwar  
age 47 years, occ. service  
r/o as above.
3. Shivani d/o Ramlu Uralgondawar  
age minor, occ. education  
r/o Bandagalli, Degloor, Tq. Degloor  
Dist. Nanded  
Through father & natural guardian  
Ramlu s/o Sangamnath Uralgondawar  
age 47 years occ. service  
r/o as above.
4. Sapna d/o Raosaheb Lakhewad  
age minor, occ. education  
r/o Om Shriram Nivas, Samarth nagar  
Nanded, Dist. Nanded  
Through father & natural guardian  
Raosaheb s/o Ramji Lakhewad  
age 47 years, occ. service  
r/o as above.
5. Sanket s/o Ramrao Bonlawar  
age 19 years, occ. education  
r/o Bandagalli, Degloor, Tq. Degloor

Dist. Nanded.

6. Mamt d/o Gangadhar Kaurwad  
age 20 years, occ. education  
r/o P 145, Shrikurshna Nagar,  
Darga Road, Aurangabad  
Tq. Aurangabad, Dist. Aurangabad
7. Pritam s/o Gopinathrao Rautwad  
age 18 years, occ. education  
r/o Jamb Bk. Tq. Mukhed  
Dist. Nanded
8. Manoj s/o Balaji Marakwad  
age 20 years, occ. education  
r/o Hatral, Tq. Mukhed  
Dist. Nanded
9. Shivani d/o Jaywant More  
age 19 years, occ. education  
r/o Murtijapur Savangi,  
Tq. Aundha (Nagnath)  
Dist. Hingoli
10. Rutuja d/o Pandurang Govindwar  
age 18 years, occ. education  
r/o Swarmal, Tq. Mukhed  
Dist. Nanded
11. Shubhangi d/o Babasaheb Gurle  
age 19 years, occ. education  
r/o Samarth Nagar, Taroda Naka Nanded  
Tq. & Dist. Nanded.
12. Shubham s/o Sanjay Sunkwad  
age 19 years, occ. education  
r/o ShubhamNivas, Tilak Nagar  
Nanded  
Tq. & Dist. Nanded
13. Mangesh s/o Namdev Pentewad  
age 20 years, occ. education  
r/o Ekrala, Tq. Hadgaon  
Dist. Nanded

14. Shweta d/o Shankar Warkad  
age 18 years, occ. education  
r/o Telangwadi, Tq.Kandhar  
Dist. Nanded
15. Abhilasha d/o Abhimanyu Ibite  
age 18 years, occ. education  
r/o Gadi Road, Beed  
Tq. Beed, Dist. Beed
16. Vaishnavi d/o Ashokrao Sangapwad  
age minor, occ. education  
r/o Ritha, Tq. Bhokar  
Dist.Nanded  
Through father & natural guardian  
Rajashri w/o Ashokrao Sangapwad  
age 40 years, occ. service  
r/o as above.
17. Anjali D/o Gansh Korewad  
age 19 years, occ. education  
r/o 'Venkatesh' Plot No. B62  
Mamta Colony, near Venkatesh Temple  
Nanded, Tq. Nanded  
Dist. Nanded
18. Kaveri d/o Prakash Papulwar  
age 18 years, occ. education  
r/o Sinchan nagar, Malegaon Road  
Nanded, Tq. Nanded  
Dist. Nanded
19. Purva d/o Ramdas Gulzerwad  
age 18 years, occ. education  
r/o Vaibhav Nagar, Malegaon Road  
Taroda (Kh) Nanded  
Dist. Nanded
20. Saurabh s/o Prakash Alladwad  
age 18 years, occ. education  
r/o Bapshetwadi, Tq.Mukhed  
Dist. Nanded

21. Meenal d/o Sanjay Hingawar  
age 19 years, occ. education  
r/o Tamloor, Tq. Degloor,  
Dist. Nanded
  22. Mangesh s/o Baburao Bodhankar  
age minor, occ. education  
r/o Arjapur Tq. Biloli  
Dist. Nanded  
Through father & natural guardian  
Baburao s/o Moglaji Bodhankar  
age 40 years, occ. service  
r/o as above.
  23. Sushma d/o Saibaba Nallamadge  
age 19 years, occ. education  
r/o Narangal Bk. Tq. Degloor  
Dist. Nanded
  24. Govind s/o Balaji Rautwad  
age 19 years, occ. education  
r/o Jamb Bk. Tq. Mukhed  
Dist. Nanded
  25. Rushikesh s/o Suryakant Akulwar  
age 20 years, occ. education  
r/o Hanumant Mandir Parisar,  
Tamloor Tq. Degloor,  
Dist. Nanded.
- Petitioners

Versus

1. The State of Maharashtra  
Through Secretary  
Medical Education and Drugs Department  
Mantralaya, Mumbai
2. The Commissioner & Competent Authority  
State Common Entrance Test Cell  
Government of Maharashtra  
CET Cell (DMER)  
Government Dental College Building  
& Hospital, St. George Hospital Compound

Mumbai.

3. The Scheduled Tribe Caste Certificate  
Verification Committee Aurangabad  
Through its Dy. Director (R)  
Aurangabad, Dist. Aurangabad. Respondents

Mr. R.N. Dhorde, Senior Counsel instructed by Mr. S.M. Vibhute,  
advocate for petitioners.

Mr. A.B. Girase, GP for respondents 1 and 3.

Mr. S.G. Karlekar, advocate for respondent no. 2.

WITH  
WRIT PETITION NO. 5622 OF 2018

Ku. Sonali d/o Girdhari Molke  
age 19 years, occ. education  
at Post Nimgaon, Tq. Hadgaon  
Dist. Nanded. Petitioner

Versus

1. The State of Maharashtra  
Through its Principal Secretary  
Health Department, Mantralaya  
Mumbai 32
2. The Competent Authority & Commissioner  
Commissionerate, Common Entrance Test Cell  
Mumbai 8th Floor, New Execlsior Building  
A.K. Nayak Mag Fort, Mumbai 400 001.
3. The Scheduled Tribe Caste Scrutiny  
Verification Committee, Aurangabad  
Through its Joint Commissioner Respondents

Mr. O.B. Boinwad, advocate for petitioner.

Mr. A.B. Girase, GP for respondents 1 and 3.

Mr. S.G. Karlkar, advocate for respondent no. 2.

{6}

WITH  
WRIT PETITION NO. 5623 OF 2018

Ku. Anjali d/o Prakash Pendalwad  
age 17 years, occ. education  
Through her natural guardian  
Prakash Motiram Pendalwad  
age 47 years, occ. service  
at Chitmogra, Post Takali  
Tq. Biloli, Dist. Nanded

Petitioner

Versus

1. The State of Maharashtra  
Through its Principal Secretary  
Health Department, Mantralaya  
Mumbai 32
2. The Competent Authority & Commissioner  
Commissionerate, Common Entrance Test Cell  
Mumbai 8th Floor, New Execlsior Building  
A.K. Nayak Mag Fort, Mumbai 400 001.
3. The Scheduled Tribe Caste Scrutiny  
Verification Committee, Aurangabad  
Through its Joint Commissioner

Respondents

Mr. O.B. Boinwad, advocate for petitioner.  
Mr. A.B. Girase, GP for respondents 1 and 3.  
Mr. S.G. Karlkar, advocate for respondent no. 2.

WITH  
WRIT PETITION NO. 5624 OF 2018

1. Achal s/o Shivaji Amberao  
age 18 years, occ. education  
r/o Biloli, Tq. Biloli  
Dist. Nanded.
2. Vaibhav s/o Anandrao Kompalwad  
age 18 years, occ. education  
r/o Pimpalkautha, Tq. Mudkhed  
Dist. Nanded

3. Suhas s/o Narsing Yalmaalwad  
age 18 years, occ. education  
r/o CIDCO, Waghada  
TQ. & Dist. Nanded
4. Shivanand s/o Shankar Gulleewad  
age 18 years, occ. education  
r/o Pimprala, Tq. Hadgaon  
Dist. Nanded
5. Shriniwas s/o Suresh Iralwad  
age 17 years, occ. education  
through his father  
Suresh Gangadhar Iralwad  
age 46 years, occ. service  
r/o Umri, Tq. Umri  
Dist. Nanded
6. Aishwarya d/o Sanjay Nilewad  
age 18 years, occ. education  
r/o Ravi, Tq. Mukhed  
Dist. Nanded
7. Ku. Swati d/o Bhanudas Kambalwad  
age 20 years, occ. education  
r/o Parchanda, Tq. Ahmedpur  
Dist. Latur
8. Rushikesh s/o Mahadev Survase  
age 20 years, occ. education  
r/o Selu, Tq. Selu  
Dist. Parbhani
9. Vaibhav s/o Vishwanath Mekadwad  
age 20 years, occ. education  
r/o Parchanda, Tq. Ahmedpur  
Dist. Latur.

Petitioners

Versus

1. The State of Maharashtra  
Through its Principal Secretary  
Health Department, Mantralaya  
Mumbai 32

2. The Competent Authority & Commissioner  
Commissionerate, Common Entrance Test Cell  
Mumbai 8th Floor, New Execlsior Building  
A.K. Nayak Mag Fort, Mumbai 400 001.
3. The Scheduled Tribe Caste Scrutiny  
Verification Committee, Aurangabad  
Through its Joint Commissioner Respondents

Mr. O.B. Boinwad, advocate for petitioner.  
Mr. A.B. Girase, GP for respondents 1 and 3.  
Mr. S.G. Karlkar, advocate for respondent no. 2.

WITH  
WRIT PETITION NO. 5626 OF 2018

Vijay s/o Satyanarayan Totawar  
age 20 years, occ. education  
r/o Totwar Galli, Degloor  
Tq. Degloor, Dist. Nanded Petitioner

Versus

1. The State of Maharashtra  
Through Secretary  
Medical Education and Drugs Department  
Mantralaya, Mumbai
2. The Commissioner & Competent Authority  
State Common Entrance Test Cell  
Government of Maharashtra  
CET Cell (DMER) Government Dental College  
Building & Hospital, St. George Hospital compound  
Mumbai
3. The Scheduled Tribe Caste Certificates  
Verification Committee Aurangabad  
Through its Dy. Director (R)  
Aurangabad, Dist. Aurangabad Respondents

Mr. R.N. Dhorde, Senior Counsel instructed by Mr. S.M. Vibhute,  
advocate for petitioner.

Mr. A.B. Girase, GP for respondents 1 and 3.  
Mr. S.G. Karlekar, advocate for respondent no. 2.

WITH  
WRIT PETITION NO. 5649 OF 2018

Samiksha d/o Sanjay Nagamwad  
age 19 years, occ. education  
r/o Ambulga(Bk), Tq. Mukhed  
Dist. Nanded

Petitioner

Versus

1. The State of Maharashtra  
Through Secretary  
Medical Education and Drugs Department  
Mantralaya, Mumbai
  2. The Commissioner & Competent Authority  
State Common Entrance Test Cell  
Government of Maharashtra  
CET Cell (DMER) Government Dental College  
Building & Hospital, St. George Hospital compound  
Mumbai
  3. The Scheduled Tribe Caste Certificates  
Verification Committee Aurangabad  
Through its Dy. Director (R)  
Aurangabad, Dist. Aurangabad
- Respondents

Mr. R.N. Dhorde, Senior Counsel instructed by Mr. S.M. Vibhute,  
advocate for petitioner.  
Mr. A.B. Girase, GP for respondents 1 and 3.  
Mr. S.G. Karlekar, advocate for respondent no. 2.

WITH  
WRIT PETITION NO. 5650 OF 2018

Sachin s/o Balajirao Rautwad  
age 18 years, occ. education  
r/o Jamb(Bk), Tq. Mukhed  
Dist. Nanded

Petitioner

Versus

1. The State of Maharashtra  
Through Secretary  
Medical Education and Drugs Department  
Mantralaya, Mumbai
  2. The Commissioner & Competent Authority  
State Common Entrance Test Cell  
Government of Maharashtra  
CET Cell (DMER) Government Dental College  
Building & Hospital, St. George Hospital compound  
Mumbai
  3. The Scheduled Tribe Caste Certificates  
Verification Committee Aurangabad  
Through its Dy. Director (R)  
Aurangabad, Dist. Aurangabad
- Respondents

Mr. R.N. Dhorde, Senior Counsel instructed by Mr. S.M. Vibhute,  
advocate for petitioner.

Mr. A.B. Girase, GP for respondents 1 and 3.

Mr. S.G. Karlekar, advocate for respondent no. 2.

WITH  
WRIT PETITION NO. 5651 OF 2018

Umesh s/o Balajirao Chanchanlwad  
age 20 years, occ. education  
r/o Rui(Bk), Tq. Naigaon Kh  
Dist. Nanded

Petitioner

Versus

1. The State of Maharashtra  
Through Secretary  
Medical Education and Drugs Department  
Mantralaya, Mumbai
2. The Commissioner & Competent Authority  
State Common Entrance Test Cell  
Government of Maharashtra  
CET Cell (DMER) Government Dental College  
Building & Hospital, St. George Hospital compound

Mumbai

3. The Scheduled Tribe Caste Certificates  
Verification Committee Aurangabad  
Through its Dy. Director (R)  
Aurangabad, Dist. Aurangabad Respondents

Mr. R.N. Dhorde, Senior Counsel instructed by Mr. S.M. Vibhute,  
advocate for petitioner.

Mr. A.B. Girase, GP for respondents 1 and 3.

Mr. S.G. Karlekar, advocate for respondent no. 2.

WITH  
WRIT PETITION NO. 5652 OF 2018

1. Anant s/o Maroti Sone  
age 17 years, occ. education  
Through natural guardian  
Maroti s/o Raghunath Sone  
age 47 years, occ. service  
At Post Ngapur, Tq. Biloli  
Dist. Nanded.
2. Rashmi d/o Piraji Amberao  
Age 18 years, occ. education  
r/o Biloli, Tq. Biloli  
Dist. Nanded
3. Maheshkukmar Balajirao Masalgekar  
age 19 years, occ. student  
r/o Bhagnoorwadi, Tq. Mukhed  
Dist. Nanded
4. Schin s/o Manik Atkulwad  
age 18 years, occ. education  
r/o Hibbat, Tq. Mukhed  
dist. Nanded
5. Hanmant s/o Ramrao Manemod  
age 18 years, occ. education  
r/o Kolheborgaon, Tq. Biloli  
Dist. Nanded

6. Shubham s/o Rambhau Waykhinde  
age 19 years, occ. education  
r/o Darewadi, Tq. & Dist. Ahmednagar
7. Piyush s/o Dttatraya Salunke  
age 19 years, occ. education  
r/o Kopargaon, Tq. Kopargaon  
Dist. Ahmednagar

Petitioners

Versus

1. The State of Maharashtra  
Through its Principal Secretary  
Health Department, Mantralaya  
Mumbai 32
2. The Competent Authority & Commissioner  
Commissionerate, Common Entrance Test Cell  
Mumbai 8th Floor, New Execlsiar Building  
A.K. Nayak Mag Fort, Mumbai 400 001.
3. The Scheduled Tribe Caste Scrutiny  
Verification Committee, Aurangabad  
Through its Joint Commissioner
4. The Scheduled Tribe Caste Scrutiny  
Verification Committee, Nasik  
Through its Joint Commissioner

Respondents

Mr. O.B. Boinwad, advocate for petitioners.  
Mr. A.B. Girase, GP for respondents 1 and 3.  
Mr. S.G. Karlekar, advocate for respondent no. 2.

WITH  
WRIT PETITION NO. 5654 OF 2018

1. Varsha d/o Dilipkumar Damale  
age 18 years, occ. education  
r/o Mangrul, Tq. Ghansawangi  
Dist. Jalna
2. Yogesh s/o Madhav Makalwad

age 19 years, occ. education  
r/o Kabirwadi, Tq. Degloor  
Dist. Nanded

3. Ku. Ashwini d/o Maruti Dantulwad  
age 20 years occ. education  
r/o Chinchala, Tq. Umri  
Dist. Nanded

4. Anil s/o Dharba Yellewad  
age 18 years, occ. education  
r/o Ambulga, Tq. Kandhar  
Dist. Nanded

5. Sunil s/o Dharba Yellewad  
age 19 years, occ. education  
r/o Ambulga, Tq. Kandhar  
Dist. Nanded.

Petitioners

Versus

1. The State of Maharashtra  
Through its Principal Secretary  
Health Department, Mantralaya  
Mumbai 32
2. The Competent Authority & Commissioner  
Commissionerate, Common Entrance Test Cell  
Mumbai 8th Floor, New Execlsior Building  
A.K. Nayak Mag Fort, Mumbai 400 001.
3. The Scheduled Tribe Caste Scrutiny  
Verification Committee, Aurangabad  
Through its Joint Commissioner

Respondents

Mr. O.B. Boinwad, advocate for petitioners.  
Mr. A.B. Girase, GP for respondents 1 and 3.  
Mr. S.G. Karlekar, advocate for respondent no. 2.

WITH  
WRIT PETITION NO. 5656 OF 2018

Jayashri d/o Gavarlal Baviskar

age 19 years, occ. education  
r/o Adarshnagar  
House no. 39, Yawal Road,  
Chopda, Dist. Jalgaon

Petitioner

Versus

1. The State of Maharashtra  
through its secretary  
Tribal Development Deptt.  
Mantralaya, Mumbai 32.
2. The Scheduled Tribe Certificates  
Scrutiny Committee, Nandurbar  
Region, Nandurbar

Respondents

Mr. S.R. Barlinge, advocate for petitioner.  
Mr. A.B. Girase, GP for both respondents.

WITH  
WRIT PETITION NO. 5731 OF 2018

Avinash s/o Kapileshwar Madewad  
age 19 years, occ. education  
r/o Barbada, Tq. Naigaon Kh  
Dist. Nanded

Petitioner

Versus

1. The State of Maharashtra  
Through its Principal Secretary  
Health Department, Mantralaya  
Mumbai 32
2. The Commissioner & Competent Authority  
State Common Entrance Test Cell  
Government of Maharashtra  
CET CELL (DMER),  
Government Dental College Building  
& Hospital, ST. George Hospital Compound  
Mumbai
3. The Scheduled Tribe Caste Certificate

Verification Committee, Aurangabad  
Through its Dy. Director (R)  
Aurangabad, Dist. Aurangabad

Respondents

Mr. R.N. Dhorde, Senior Counsel instructed by Mr. S.M. Vibhute,  
advocate for petitioner.

Mr. A.B. Girase, GP for respondents 1 and 3.

Mr. S.G. Karlekar, advocate for respondent no. 2.

WITH  
WRIT PETITION NO. 5732 OF 2018

Neha d/o Ramalu Chatlod  
age 19 years, occ. education  
r/o Sagrli, Tq. Biloli  
Dist. Nanded

Petitioner

Versus

1. The State of Maharashtra  
Through its Principal Secretary  
Health Department, Mantralaya  
Mumbai 32
2. The Commissioner & Competent Authority  
State Common Entrance Test Cell  
Government of Maharashtra  
CET CELL (DMER),  
Government Dental College Building  
& Hospital, ST. George Hospital Compound  
Mumbai
3. The Scheduled Tribe Caste Certificate  
Verification Committee, Aurangabad  
Through its Dy. Director (R)  
Aurangabad, Dist. Aurangabad

Respondents

Mr. C.A. Jadhav, advocate for petitioner.

Mr. A.B. Girase, GP for respondents 1 and 3.

Mr. S.G. Karlekar, advocate for respondent no. 2.

WITH  
WRIT PETITION NO. 5734 OF 2018

Ku. Samruddhi d/o Suryakant Rokade  
age 17 years, occ. student  
Through u/g her father  
Suryakant s/o Dattatraya Rokade  
age 53 years occ. Govt. Service  
r/o "Aishwarya" Dhadage Estate  
Opp. Panchayat Samiti, Rahuri  
Tq Rahuri, Dist. Ahmednagar

Petitioner

Versus

1. The State of Maharashtra  
Through its Principal Secretary  
Health Department,  
Mantralaya, Mumbai 32.
2. The Maharashtra University of Health Sciences  
Nashik, Dindori Road, Mhasrool  
Nashik 422 004.  
Through its Registrar
3. The Competent Authority & Commissioner  
Commissionerate, Common Entrance Test Cell  
Mumbai 8th Floor, New Excelsior Building  
A.K. Nayak Marg, Fort  
Mumbai 400 001.
4. The Scheduled Tribe Caste Scrutiny  
/Verification Committee, Nashik  
Through its Joint Commissioner

Respondents

Mr. O.B. Boinwad, advocate for petitioner.  
Mr. A.B. Girase, GP for respondents 1 and 3.  
Mr. S.G. Karlekar, advocate for respondent no. 2.

WITH  
WRIT PETITION NO. 5742 OF 2018

Pooja Shrirang Sapkal  
age 19 yeras, occ. student  
r/o N-11, G-19/15

Navjeevan Colony, HUDCO  
Aurangabad

Petitioner

Versus

1. The State of Maharashtra  
Through its Secretary  
Tribal Development Department  
Mantralaya, Mumbai
2. The Scheduled Tribe Caste Certificate  
Scrutiny, Aurangabad Division  
Aurangabad.
3. Commissionerate Common Entrance Test  
Cell, Mumbai, 8th Floor, New Excelsior Building  
A.K. Nayak Marg, Fort  
Mumbai 400 001.

Respondents

Mr. E.S. Murge, advocate for petitioner.  
Mr. A.B. Girase, GP for respondents 1 & 2.  
Mr. S.G. Karlekar, advocate for respondent no.3.

WITH  
WRIT PETITION NO. 5751 OF 2018

Shreya d/o Subhash Khanderao  
age 18 years, occ. student  
through her father  
Subhash s/o Shivajirao Khanderao  
age 45 years, occ. service  
r/o Shivjamuna Niwas  
Ashtavinayak Road, Nanded.

Petitioner

Versus

1. The State of Maharashtra  
Through its Principal Secretary  
Health Department, Mantralaya  
Mumbai 32.
2. The Competent Authority & Commissioner  
Commissionerate, Common Entrance Test Cell

Mumbai , 8th Floor, New Execlsior Building  
A.K. Nayak Marg, Fort  
Mumbai 01

3. The Scheduled Tribe Caste Scrutiny  
Verification Committee,  
Auranagabad  
Through its Joint Commissioner, Respondents

Mr. K.V. Patil, advocate for petitioner.  
Mr. A.B. Girase, GP for respondents 1 and 3.  
Mr. S.G. Karlekar, advocate for respondent no. 2.

WITH  
WRIT PETITION NO. 5547 OF 2018

Vaibhav Sampat Wagh,  
age: 20 years, Occ: Student,  
R/o Near Choudhari Kirana  
Shivaji Nagar, Sillod, Tq.Sillod,  
District Aurangabad. Petitioner

Versus

01 The State of Maharashtra,  
through its Secretary,  
Tribal Development Department,  
Mantralaya, Mumbai.

02 The Scheduled Tribe Caste  
Certificate Scrutiny Committee,  
Aurangabad Division,  
Aurangabad.

03 The Commissionerate,  
Common Entrance Test Cell,  
Mumbai,  
8th Floor, New Excelsior Building,  
A.K.Nayak Marg, Fort,  
Mumbai - 400 001. Respondents

Mr.E.S.Murge, advocate for the petitioner.  
Mr.A.B.Girase, GP for Respondents 1 and 2.  
Mr. S.G. Karlekar, advocate for respondent no. 3.

WITH  
WRIT PETITION NO.5608 OF 2018

Kirti Shivaji Koli,  
age: 18 years, Occ: Student,  
R/o Kavale Ploting, Bodhenagar,  
Latur, District Latur. Petitioner

Versus

01 The State of Maharashtra,  
through its Secretary,  
Tribal Development Department,  
Mantralaya, Mumbai.

02 The Scheduled Tribe Caste  
Certificate Scrutiny Committee,  
Aurangabad Division,  
Aurangabad.

03 The Commissionerate,  
Common Entrance Test Cell,  
Mumbai,  
8th Floor, New Excelsior Building,  
A.K.Nayak Marg, Fort,  
Mumbai - 400 001. Respondents

Mr.E.S.Murge, advocate for the petitioner.  
Mr.A.B. Girase, GP for respondents 1 and 2.  
Mr. S.G. Karlekar, advocate for respondent no. 2.

WITH  
WRIT PETITION NO.5613 OF 2018

Tushar s/o Eknath Palumpalle,  
age: 19 years, Occ: Education,  
R/o Yeli, Tq.Pathardi,  
District Ahmednagar. Petitioner

Versus

01 The State of Maharashtra,  
through its Secretary,  
Medical Education & Drugs Department,  
Mantralaya, Mumbai.

02 The Commissioner & Competent Authority,  
State Common Entrance Test Cell,  
Government of Maharashtra,  
CET Cell (DMER), Government Dental  
College Building & Hospital,  
St.George Hospital Compound,  
Mumbai

03 The Scheduled Tribe Caste  
Verification Committee, Nashik,  
through its Dy. Director (R),  
Nashik, District Nashik.

Respondents

Mr.R.N. Dhorde, Senior Counsel instructed by Mr. S.M.Vibhute,  
advocate for the petitioner.

Mr.A.B. Girase, GP for respondents 1 and 3.

Mr. S.G. Karlekar, advocate for respondent no. 2.

WITH  
WRIT PETITION NO.5614 OF 2018

Narayansing s/o Vithalsing Chavan,  
age: minor, Occ: Education,  
R/o Shrinivas Deep Nagar, Purna Road,  
Nanded, Tq. & District Nanded,  
through father & natural guardian  
Vithalsing s/o Narayansing Chavan,  
age: 47 years, Occ: Service,  
R/o as above.

Petitioner

Versus

01 The State of Maharashtra,  
through its Secretary,

Medical Education & Drugs Department,  
Mantralaya, Mumbai.

02 The Commissioner & Competent Authority,  
State Common Entrance Test Cell,  
Government of Maharashtra,  
CET Cell (DMER), Government Dental  
College Building & Hospital,  
St.George Hospital Compound,  
Mumbai

03 The Scheduled Tribe Caste  
Verification Committee, Aurangabad,  
through its Dy. Director (R),  
Aurangabad, District Aurangabad.

Respondents

Mr. R.N. Dhorde, Senior Counsel instructed by Mr. S.M.Vibhute,  
advocate for the petitioner.

Mr. A.B. Girase, GP for respondents 1 and 3

Mr. S.G. Karlekar, advocate for respondent no. 2.

WITH  
WRIT PETITION NO.5615 OF 2018

Sharayu d/o Balasaheb Buge,  
age: 19 years, Occ: Education,  
R/o Mohoj Devdhe, Tq. Pathardi,  
District Ahmednagar.

Petitioner

Versus

01 The State of Maharashtra,  
through its Secretary,  
Medical Education & Drugs Department,  
Mantralaya, Mumbai.

02 The Commissioner & Competent Authority,  
State Common Entrance Test Cell,  
Government of Maharashtra,  
CET Cell (DMER), Government Dental  
College Building & Hospital,

St.George Hospital Compound,  
Mumbai

03 The Scheduled Tribe Caste  
Verification Committee, Nashik,  
through its Dy. Director (R),  
Nashik, District Nashik.

Respondents

Mr. R.N. Dhorde, Senior Counsel instructed by Mr. S.M.Vibhute,  
advocate for the petitioner.  
Mr.A.B.Girase, GP for Respondents 1 and 3.  
Mr. S.G. Karlekar, advocate for respondent no.2.

WITH  
WRIT PETITION NO.5616 OF 2018

Swapnil Singh s/o Vijaysingh Chauhan,  
age: 19 years, Occ: Education,  
R/o Shripad Nagar, Near Sarpanch Nagar,  
Taroda Kh, Nanded,  
Taluka & District Nanded

Petitioner

Versus

01 The State of Maharashtra,  
through its Secretary,  
Medical Education & Drugs Department,  
Mantralaya, Mumbai.

02 The Commissioner & Competent Authority,  
State Common Entrance Test Cell,  
Government of Maharashtra,  
CET Cell (DMER), Government Dental  
College Building & Hospital,  
St.George Hospital Compound,  
Mumbai

03 The Scheduled Tribe Caste  
Verification Committee, Aurangabad,  
through its Dy. Director (R),

Aurangabad, District Aurangabad

Respondents

Mr. R.N. Dhorde, Senior Counsel instructed by Mr. S.M.Vibhute,  
advocate for the petitioner.

Mr. A.B. Girase, GP for respondents 1 and 3.

Mr. S.G. Karlekar, advocate for respondent no. 2.

WITH  
WRIT PETITION NO.5617 OF 2018

Prajwal s/o Baliram Dasare,  
age: minor, Occ: Education,  
R/o Telangwadi, Tq. Kandhar,  
District Nanded, through  
father and natural guardian  
Baliram s/o Anandrao Dasare,  
age: 48 years, Occ: Service,  
R/o as above.

Petitioner

Versus

01 The State of Maharashtra,  
through its Secretary,  
Medical Education & Drugs Department,  
Mantralaya, Mumbai.

02 The Commissioner & Competent Authority,  
State Common Entrance Test Cell,  
Government of Maharashtra,  
CET Cell (DMER), Government Dental  
College Building & Hospital,  
St.George Hospital Compound,  
Mumbai

03 The Scheduled Tribe Caste  
Verification Committee, Aurangabad,  
through its Dy. Director (R),  
Aurangabad, District Aurangabad.

Respondents

Mr. R.N. Dhorde, Senior Counsel instructed by Mr. S.M.Vibhute,  
advocate for the petitioner.

Mr. A.B. Girase, GP for respondents 1 and 3.

Mr. S.G. Karlekar, advocate for respondent no. 2.

WITH  
WRIT PETITION NO.5618 OF 2018

Neha d/o Shivajirao Adbalwad,  
age: 18 years, Occ: Education,  
R/o Sarsam (Bk), Tq.Himayatnagar,  
District Nanded,  
At present, Sanmitra Nagar,  
Near Sharda Nagar, Nanded,  
Tq.Nanded, District Nanded.

Petitioner

Versus

01 The State of Maharashtra,  
through its Secretary,  
Medical Education & Drugs Department,  
Mantralaya, Mumbai.

02 The Commissioner & Competent Authority,  
State Common Entrance Test Cell,  
Government of Maharashtra,  
CET Cell (DMER), Government Dental  
College Building & Hospital,  
St.George Hospital Compound,  
Mumbai

03 The Scheduled Tribe Caste  
Verification Committee, Aurangabad,  
through its Dy. Director (R),  
Aurangabad, District Aurangabad.

Respondents

Mr. R.N. Dhorde, Senior Counsel instructed by Mr. S.M.Vibhute,  
advocate for the petitioner.

Mr.A.B.Girase, GP for respondents 1 and 3.

Mr. S.G. Karlekar, advocate for respondent no. 2.

WITH  
WRIT PETITION NO.5620 OF 2018

Nisha d/o Shivajirao Abdalwad,  
age: 18 years, Occ: Education,  
R/o Sarsam (Bk), Tq. Himayatnagar,  
District Nanded, At present  
Sanmitra Nagar, Near Sharda Nagar,  
Nanded, Tq. Nanded,  
District Nanded.

Petitioner

Versus

01 The State of Maharashtra,  
through its Secretary,  
Medical Education & Drugs Department,  
Mantralaya, Mumbai.

02 The Commissioner & Competent Authority,  
State Common Entrance Test Cell,  
Government of Maharashtra,  
CET Cell (DMER), Government Dental  
College Building & Hospital,  
St.George Hospital Compound,  
Mumbai

03 The Scheduled Tribe Caste  
Verification Committee, Aurangabad,  
through its Dy. Director (R),  
Aurangabad, District Aurangabad.

Respondents

Mr. R.N. Dhorde, Senior Counsel instructed by Mr. S.M.Vibhute,  
advocate for the petitioner.

Mr. A.B. Girase GP for respondents 1 and 3.

Mr. S.G. Karlekar, advocate for respondent no.2.

WITH  
WRIT PETITION NO.5621 OF 2018

Prathamesh s/o Sudhakar Sapkale,  
age: 18 years, Occ: Education,

R/o Ambode, Tq. Yawal,  
District Jalgaon.

Petitioner

Versus

01 The State of Maharashtra,  
through its Principal Secretary,  
Health Department,  
Mantralaya, Mumbai-32.

02 The Competent Authority & Commissioner,  
Commissionerate, Common Entrance Test Cell,  
Mumbai, 8th Floor, New Excelsior Building.  
A.K.Nayak Marg, Fort,  
Mumbai-400 001.

03 The Scheduled Tribe Caste Scrutiny  
Verification Committee, Nandurbar,  
through its Joint Commissioner.

Respondents

Mr.O.B.Boinwad, advocate for the petitioner.

Mr.A.B.Girase, GP for respondents 1 and 3.

Mr. S.G. Karlekar, advocate for respondent no. 2.

**CORAM : R.M.BORDE &**

**A. M. DHAVAL, JJ.**

**DATE : 13<sup>th</sup> JUNE, 2018**

**JUDGMENT : ( Per R.M. Borde, J.)**

1. Rule. Rule made returnable forthwith.

2. Heard finally at admission stage with the consent of learned counsel for the respective parties.

3. The officers representing the Scrutiny Committees are present.

4. Petitioners claim that they are the members of the Tribal community and are entitled to claim benefits of reservation in the matter of education in observance of the policy framed by the State Government. Petitioners are desirous of securing admission to the Health Science Courses as against reserved seats prescribed for Scheduled Tribe category.

5. Petitioner no. 1 in Writ Petition no. 5625 of 2018 is in receipt of Tribe certificate issued by the competent authority on 14.08.2013 whereas some petitioners have received certificate from the competent authority certifying that they belong to Tribal community, few years back. In case of some of the petitioners, since there occurred spelling mistake in recording name of the Tribe, the matters were not considered by the Scrutiny Committee and the petitioners were compelled to approach this Court seeking appropriate directions. In furtherance of the directions issued by this Court, the competent authorities have issued corrected certificates to the petitioners. It is also not a matter of dispute that in case of some of the petitioners, there are orders issued by this Court directing the Scrutiny Committee to take decision in respect of the proposals tendered by them for validating the caste certificates however, the Scrutiny Committee has failed to decide the matters within the timeframe prescribed. It is also contention of petitioners that in most of the cases, the blood relations of petitioners such as father, mother, brother, sister etc. have been issued validity certificates by the competent Scrutiny Committee after conducting due enquiry. Petitioners as such claim that in view of judgment of this Court in the matter of Apoorva d/o Vinay. Nichale Vs. Divisional Caste Certificate Scrutiny Committee and others reported in **2010(6) Mh.L.J. 401**, their claims are liable to be

considered and they are entitled to receive validity certificates.

6. As has been recorded above, petitioners are desirous of securing admission to medical courses. The State of Maharashtra has published Information Brochure of Preference System for admission to Health Science courses in State Government / Corporation/Private & Minority colleges. The State Government has framed rules prescribing the eligibility condition and procedure for admission to Health Science courses. The following program for conducting admission process has been declared in the Brochure published on 06.06.2018.

|    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |   |                          |
|----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|--------------------------|
| 1  | Online Registration / Application                                                                                                                                                                                                                                                                                                                                                                                                                                                    | : | 07.06.2018 to 17.06.2018 |
| 2  | Last date to pay by challan at any branch of SBI                                                                                                                                                                                                                                                                                                                                                                                                                                     | : | 18.06.2018               |
| 3  | Publication of Provisional Merit List                                                                                                                                                                                                                                                                                                                                                                                                                                                | : | 19.06.2018 after 5.00 PM |
| 4  | Document verification for NRI Candidate at Grant Govt. Medical College, Byculla, Mumbai only                                                                                                                                                                                                                                                                                                                                                                                         | : | 21.06.2018 to 25.06.2018 |
| 5  | Document verification at 8 centres<br>1) Mumbai - Grant Govt. Medical College, Byculla<br>2) Mumbai - R.A. Pdar, Ayurvedic College, Worli<br>3) Pune - B.J. Govt. Medical College, Sasoon Hospital<br>4) Nagpur - Govt. Medical College, Hanuman Nagar<br>5) Nagpur - Govt. Ayurvedic College, Raje Raghuji Nagar<br>6) Aurangabad- Govt. Medical College, Ghati Hospital<br>7) Nanded - Govt. Ayurvedic College, Vazirabad<br>8) Osmanabad - Govt. Ayurvedic College, Tuljapur Road | : | 21.06.2018 to 25.06.2018 |
| 6  | Publication of revised Provisional Merit List                                                                                                                                                                                                                                                                                                                                                                                                                                        | : | 26.06.2018               |
| 7  | Online Preference Filling Process                                                                                                                                                                                                                                                                                                                                                                                                                                                    | : | 26.06.2018 to 29.06.2018 |
| 8  | Declaration of selectionlist of 1st Round                                                                                                                                                                                                                                                                                                                                                                                                                                            | : | 02.07.2018               |
| 9  | Last date of joining to the selected college during 1st round                                                                                                                                                                                                                                                                                                                                                                                                                        | : | 12.07.2018               |
| 10 | Commencement of Academic Session                                                                                                                                                                                                                                                                                                                                                                                                                                                     | : | 01.08.2018               |

7. Since petitioners are not in receipt of validity certificate and their claims are pending, they are unable to apply for admission to Health Science courses as against the seats for reserved category. In view of Rule 9.1.5.1 of NEET-UG 2018 Brochure and Clause 2 of

Annexure B, the petitioners are not liable to be considered as candidates belonging to reserved category since they do not possess validity certificate and their claims are pending with the Scrutiny Committee. Rule 9.1.5.1 of NEET-UG 2018 Brochure reads thus :

**9.1.5.1 CONSTITUTIONAL RESERVATIONS :**

The candidates should have claimed the constitutional reservation in the original Online application form for the State of Maharashtra. For claiming of category, no document required at time of online registration. Request for category claim after submission application form will not be granted.

The Caste Certificate and the Caste/Tribe Validity Certificate :- No document is required to claim the reservation in online application form. Document is required only at the time of document verification process. If a candidate claiming reservation in online application form does not produce document, then he/she will be automatically considered in open category if otherwise eligible.

The applicant request for change in category from Open to reserve once provisional merit list is declared, will be straight way rejected. The candidates belonging to the backward class categories will be required to submit the Caste Certificate / validity at the time of document verification failing which the category claimed, will not be granted and the candidate will be treated as a general candidate. While applying online all the category candidates must mention their category as SC, ST, VJ/DT(A), NT-B, NT-C, NT-D, OBC.

**The Caste Validity Certificate :**

The candidates belonging to the following Backward Class categories i.e. SC, ST, VJ/DT(A), NT-B, NT-C, NT-D, OBC will be required to submit the Caste Validity Certificate at the time of Document Verification, failing which the category claimed, will not be granted and the candidates will be treated as a general Candidate.

8. Paragraph 2 of Annexure B prescribes that the candidates belonging to the aforesaid backward categories will be required to submit caste/tribe certificates and validity certificates at the time of document verification. It is also pointed out that no option is provided in online application prescribing the category of candidates from the reserved caste/tribe, whose claims are pending before the Scrutiny Committee. It is informed that in the application form prescribed for the last year, such an option was provided. However, since in the application for the year 2018 such an option is not provided, petitioners are disabled from filing their application and claiming benefits as members belonging to reserved category. Though petitioners have raised challenge to Rule 9.1.5.1 of the NEET-UG 2018 Brochure and Clause 2 of Annexure B, at this stage, the prayer for quashment of the rule is not pressed. In this view of the matter, we are not considering the question of validity of the aforesaid rule and, grant liberty to petitioners to raise appropriate challenge at an appropriate stage, if deemed necessary.

9. Petitioners contend that though the proposal has been tendered for verification of Tribe certificate long back and though in certain matters directions have been issued by this Court

instructing the Scrutiny Committee to take decision in respect of validation proposals of some of the petitioners, the matters have not yet been disposed of by the Scrutiny Committee and no decision has been arrived at. As a result of failure of the Scrutiny Committee to take decision within reasonable time, petitioners cannot be put to disadvantage. The procedure to be followed by the Scrutiny Committee for verification of Tribe certificate is provided in Rule 12 of the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (Vimukta Jatis) Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Rules, 2001, which reads thus :

12. Procedure to be followed by Scrutiny Committee :-

- (1) On receipt of the application, the Scrutiny Committee or a person authorised by it shall scrutinise the application, verify the information and documents furnished by the applicant, and shall acknowledge the receipt of the application. The Member Secretary shall register the application, received for verification, in the register prescribed by the Chairman.
- (2) If the Scrutiny Committee is not satisfied with the documentary evidence produced by the applicant the Scrutiny Committee shall forward the applications to the Vigilance Cell for Conducting the school, home and other enquiry.
- (3) The Vigilance Officer shall go to the local place of residence and original place from which the applicant hails and usually resides, or in case of migration, to the town or city or place from which he originally hailed from.

(4) The Vigilance Officer shall personally verify and collect all the facts about the social status claimed by the applicant or his parents or the guardian, as the case may be.

(5) The Vigilance Cell shall also examine the parents or guardian or the applicant for the purpose of verification of their Tribe, of the applicant.

(6) After completion of the enquiry, the Vigilance Cell shall submit its report to the Scrutiny Committee who will in turn scrutinise the report submitted by the Vigilance Cell.

(7) In case the report of Vigilance Cell is in favour of the applicant, and if the Scrutiny Committee satisfied that the claim of the applicant is genuine and true, the Scrutiny Committee may issue the validity certificate. The validity certificate shall be issued in Form G.

(8) If the Scrutiny Committee, on the basis of the Vigilance Cell report and other documents available, is not satisfied about the claim of the applicant, the Committee shall issue a show cause notice to the applicant and also serve a copy of the report of the Vigilance Officer by registered post with acknowledgment due. A copy shall also be sent to the Head of the Department concerned, if necessary. The notice shall indicate that the representation or reply, if any, should be made within fifteen days from the date of receipt of the notice and in any case not more than thirty days from the date of receipt of the notice. In case the applicant requests for adjournment or extension of the time-limit, reasonable time, may be granted.

(9) (a) After personal hearing if the Scrutiny Committee is satisfied regarding the genuineness of the claim, Validity Certificate shall be issued in Form G.

(b) After personal hearing, if the Scrutiny Committee is not satisfied about the genuineness of the claim and correctness of the Scheduled Tribe Certificate, it shall pass an order of cancellation and of confiscation of the Certificate and communicate the same to the Competent Authority for taking necessary entries in the register and for further necessary action. The Scheduled Tribe Certificate shall then be stamped as "cancelled and confiscated".

10. Though the rules framed by the State do not provide any timeframe for verification of the Tribe certificate, relevant directions prescribing timeframe forms part of the judgment delivered by the Honourable Supreme Court in the matter of Kumari Madhuri Patil and another vs. Additional Collector, Tribal Development and others, reported in **AIR 1995 Supreme Court 94(1)**. In paragraph no. 12 of the judgment, the Honourable Supreme Court has recorded thus :

"12. The admission wrongly gained or a appointment wrongly obtained on the basis of false social status certificate necessarily have the effect of depriving the genuine Scheduled Castes or Scheduled Tribes or OBC candidates as enjoined in the Constitution of the benefits conferred on them by the Constitution. The genuine candidates are also denied admission to educational institutions or appointments to office or posts under a State for want of social status certificate. The ineligible or spurious persons who false gained entry resort to dilatory tactics and create hurdles in completion of the inquiries by the Scrutiny Committee. It is true that the applications for admission to educational institutions are generally made by a parent, since on that date

many a time the student may be a minor. It is the parent or the guardian who may play fraud claiming false status certificate. It is , therefore, necessary that the certificates issued are scrutinised at the earliest and with utmost expedition and promptitude. For that purpose, it is necessary to streamline the procedure for the issuance of a social status certificates, their scrutiny and their approval, which may be the following ....."

In Sub-para 9 of paragraph 12 of the judgment it is observed that an inquiry should be completed as expeditiously as possible preferably by day-to-day proceedings within such period not exceeding two months. If after inquiry, the caste Scrutiny Committee finds the claim to be false or spurious, they should pass an order cancelling the certificate issued and confiscate the same. It should communicate within one month from the date of the conclusion of the proceedings the result of enquiry to the parent/guardian and the applicant. It is observed in Sub-para 10 of paragraph 12 of the judgment that in case of any delay in finalising the proceedings, and in the meanwhile the last date for admission into an educational institution or appointment to an officer post, is getting expired, the candidate be admitted by the Principal or such other authority competent in that behalf or appointed on the basis of the social status certificate already issued or an affidavit duly sworn by the parent /guardian/candidate before the competent officer or non-official and such admission or appointment should be only provisional, subject to the result of the inquiry by the Scrutiny Committee.

11. Though there is mandate provided in Sub-paragraph 10 of

paragraph 12 by the Honourable Supreme Court in the abovereferred judgment, since the rules framed by the State Government do not provide for such procedure, the petitioners cannot claim provisional admission. Such rule enabling the applicants to secure admission provisionally was in force during the preceding year and this Court also permitted the institutions to admit the students provisionally on the strength of caste certificate / tribe certificate issued to them and subject to tendering of an undertaking. However, in view of certain orders passed by the Honourable Supreme Court during the preceding year, such course is not open.

12. Learned Government Pleader for the State Government has invited our attention to the order passed by Division Bench of this Court in Writ Petition no. 8851 of 2017 and other companion matters decided on 12.07.2017. The Division Bench, considering the statement made on behalf of the State Government and the DMER, directed the authorities to act upon the undertaking furnished by the concerned students or parents that they would furnish validity certificate issued by the competent Scrutiny Committee so as to regularise their admission if obtained on merit. The Division Bench of this Court did permit the students to secure provisional admission whose proposals in respect of validation of Tribe certificate were pending before the Scrutiny Committee. The order passed by the Division Bench in the aforesaid matter was subjected to challenge before the Honourable Supreme Court in Petition(s) for Special Leave to Appeal (C) No(s) 23169 of 2017 and other companion matters. The Honourable Supreme Court initially, by an order dated 04.08.2017, granted stay to the

operation of the impugned judgment dated 12.07.2017. Further orders were passed on 18.08.2017. The Honourable Supreme Court directed the concerned Scrutiny Committee to verify the Tribe certificates within two weeks from the date of the order. The candidates whose claims were pending were directed to appear before the Scrutiny Committee on 19.08.2017. It is further made clear in the order that the students who do not appear before the Scrutiny Committee shall not get any benefit. It is further directed that the interim order passed earlier shall remain in force till the next date of hearing. The Honourable Supreme Court has further directed that no counselling shall take place in respect of Scheduled Tribe category since direction has been issued for verification of the Tribe certificate of 353 students by the Scrutiny Committee. The civil appeals came to be disposed of on 06.09.2017. It was noticed that 11 students became successful and as such the institutions were directed to admit those students in order of merit after counselling. However, candidates who were not successful before the Scrutiny Committee in securing validity certificate were granted liberty to approach the High Court and the High Court was requested to take up the matters and decide the same expeditiously. In view of such order, it was directed that the concerned seats shall not be filled in and they shall be filled in after pronouncement of judgment by the High Court in such matters. It would be appropriate to record observations made by the Honourable Supreme Court in the judgment referred above.

"Before parting with the case, we are obliged to say that the Division Bench of the High Court has been absolutely ill-advised to pass such an interim order. The same is hereby set aside."

In view of the observations of the Honourable Supreme Court as recorded above, it would not be appropriate for this Court to interfere in the ongoing process of admission. However, considering the facts of this case, in order to advance the cause of justice and, since it is noticed that the petitioners are not at all at fault and they are being deprived of their entitlement to secure admission on merit, certain arrangement as suggested by the State Government and DMER can be made.

13. It would be appropriate at this stage to record that though petitioners have tendered proposals for verification of Tribe claim long back, the Scrutiny Committee, for one reason or the other, could not decide the validation claims. As has been recorded above, inspite of issuance of directions by this Court to the Scrutiny Committee in certain matters, the validation claims have not been disposed of. It is also appropriate to record that in case of many of the petitioners, there are validity certificates issued to their blood relations and such of those petitioners would be entitled to claim parity in view of judgment of Apoorva Nichale (supra) unless it is demonstrated that validity certificates have been secured by blood relations of such of the petitioners by practising fraud or by suppression of material evidence.

14. Learned Government Pleader for the State Government has put before us statistical data in respect of pending matters before the Scrutiny Committees. It is informed that until the end of May 2018, there are about 7037 validation proposals pending with the Scrutiny Committee at Aurangabad. The matters relating to education/ students pending for verification before the Scrutiny

Committee are 2799. It is further informed that there are 60 proposals pending in respect of students who have appeared for NEET examination. So far as pendency of matters before Nasik Committee is concerned, it is informed that there are 5751 matters pending out of which, 3800 are relating to education/students. It is further informed that there are approximately 10 proposals pending in respect of students who have appeared for NEET examination. So far as Nandurbar Committee is concerned, it is informed that some proposals concerning students who have appeared for NEET examination are pending.

15. Learned Government Pleader states on instructions that priority can be accorded to the matters concerning students who have appeared for NEET examination and such proposals would be disposed of before the date prescribed for admitting students during the First Round. Adoption of such course, apart from meeting the ends of justice and granting relief to the students to whom no fault can be attributed, would also not necessitate any interference in the ongoing process of admission to Health Science Courses. Learned Government Pleader states that in all the matters pending before the three Committees, relating to students who have appeared for NEET examination, vigilance inquiry would be completed, if the same has already not been completed, before 24th of June, 2018.

16. All the students, including petitioners and other candidates who have appeared for NEET examination, shall appear before the concerned Committee on 25th June, 2018. They be provided a copy of the vigilance report on the aforesaid date. Petitioners-

students, who have appeared for NEET examination, shall tender their reply to the Vigilance Cell report by 28th June, 2018. The Scrutiny Committee, by extending hearing to them on the date which would be prescribed on 28th June, 2018, would render decision by 2nd July, 2018. As per the program declared by the DMER, the date for declaration of selection list of the First Round is prescribed as 2nd July, 2018. It would be open for the DMER/Admission Authority to declare the list of the First Round on the aforesaid date on consideration of the verdict of the Scrutiny Committee in relation to Scheduled Tribe category candidates. It is needless to say that the Committee is well within its rights and invested with authority to reschedule the aforesaid date/s, if deemed necessary. Petitioners and candidates belonging to Tribal community, who have appeared for NEET examination shall be required to be provisionally considered as candidates belonging to reserved category subject to the decision on proposals for validity pending with the Scrutiny Committee. Since the Scrutiny Committee has been directed to decide the matters by 2nd July, 2018, only the candidates, who are successful in securing validity certificates, would be entitled for their inclusion in the select list for the First Round. The seats available from amongst reserved categories claimed by candidates, who are not successful in securing validity certificates, shall be filled in by offering the seats to next candidates from amongst the merit list or by observing procedure prescribed in that behalf. Unsuccessful candidates, who failed to secure favourable orders from the Scrutiny Committee, shall not be entitled to be considered for admission to Health Science Courses as candidates belonging to reserved category and they shall be classified as general category

candidates. It is clarified that though relevant rules provide for time frame of 15 days for tendering of objection on vigilance cell report, considering urgency, an exception has been carved out to aforesaid rule for the benefit of petitioners and other candidates who have appeared for NEET examination. It shall not be open for the petitioners and such of those students to canvass that as a result of providing time frame in violation of the rules, the decision is vitiated. It shall also not be necessary for the Scrutiny Committee to transmit copy of the vigilance cell report and decision rendered by it to the students by Registered Post A.D. It would be the responsibility of the students to approach the Scrutiny Committee and secure appropriate information and copies of the order/certificate. The decision rendered by the Scrutiny Committee shall not be questioned on the aforesaid technical breaches. Petitioners undertake to cooperate the Scrutiny Committee in disposal of proposal for validity. The DMER-Admission Authority shall accept application of the petitioners as candidates belonging to reserved category in view of aforesaid order provisionally and may process the application subject to the directions, as recorded above. Learned Government Pleader undertakes to communicate the order to the concerned.

17. In the result, Rule is made absolute to the extend as specified above. No costs.

**A.M. DHAVALÉ**  
**JUDGE**

**R.M.BORDE**  
**JUDGE**