

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

WRIT PETITION NO. 8914 OF 2018

Nilesh Rameshwar Ijalkar

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Shri Sunil M. Vibhute, Advocate for the Petitioner.

Shri P. S. Patil, Addl.G.P. for Respondent Nos. 1 to 3.

Shri S. G. Karlekar, Advocate for the Respondent No. 4.

**CORAM : S. V. GANGAPURWALA AND
SUNIL K. KOTWAL, JJ.**

DATE : 03RD AUGUST, 2018.

FINAL ORDER :

. The petition was moved yesterday on the ground that the petitioner has been admitted in the M.B.B.S. course and 04th August, 2018 is the last date for submitting validity certificate.

2. We have heard the learned counsel for the petitioner and the Additional Government Pleader for the respondent Nos. 1 to 3.

3. From the judgment delivered by the Committee and the documents placed on record, it appears that, the father of the petitioner has been issued with the validity certificate by the

Committee on 30th September, 2008. The caste claim of the real brother of the petitioner Santosh was invalidated by the Committee. He filed Writ Petition No. 10356 of 2017 before the Principal Seat at Bombay. The Division Bench of this Court at the Principal Seat at Bombay allowed the writ petition under judgment and order dated October 04, 2017 and directed the Committee to issue validity certificate to him of 'Mannervarlu' (Scheduled Tribe).

4. According to the learned Addl. G. P. the basic record was suppressed while getting the validity by the father and also before the High Court while deciding Writ Petition No. 10356 of 2017. The learned Addl. G. P. on instructions of the Member Secretary who is present in the Court further submits that, the respondent/Committee is contemplating issuing show cause notice to the father and it has been decided to move the Law and Judiciary for seeking permission to file review of the order passed in Writ Petition No. 10356 of 2017.

5. Considering the fact that, validity is already issued in favour of the father of the petitioner and also interpolation in the record was considered by the Division Bench of this Court at Principal seat at Bombay in Writ Petition No. 10356 of 2017. So also considering the stand taken by the respondents that, the respondent/Committee is contemplating issuing show cause

notice to the father of the petitioner for reopening his case and are also contemplating review of the judgment and order dated October 04, 2017 in Writ Petition No. 10356 of 2017, so also considering the judgment and order dated July 23, 2018 passed by the Division Bench of this Court in Writ Petition No. 7500 of 2018, involving similar facts we adopt the same course and direct the respondent/Committee to grant the validity certificate to the petitioner of 'Mannervarlu' (S.T.) and the same shall be subject to any further proceeding that may be undertaken by the respondents with regard to the judgment in Writ Petition No. 10356 of 2017 dated October 04, 2017 and the further proceedings pursuant to the show cause notice to the father of the petitioner.

6. In view of the fact that, 04th August, 2018 is the last date for submitting validity certificate, the respondent/Committee shall issue validity to the petitioner immediately. The writ petition is disposed of. No costs.

[SUNIL K. KOTWAL, J.]

[S. V. GANGAPURWALA, J.]

bsb/Aug. 18

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