

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.9737 OF 2018

Gaurav S/o Sudhir Wade,
age: 18 years, occu: education,
R/o Plot No.1, Radhaswami Colony,
Jatwada Road, Harsul,
Aurangabad, Tq.& Dist. Aurangabad

Petitioner

Versus

- 1 The State of Maharashtra
Through its Secretary,
Higher & Technical Education Department,
Mantralaya, Mumbai
- 2 The Scheduled Tribe Caste Certificate
Verification Committee, Aurangabad
Through its Member Secretary,
Aurangabad
- 3 The Director,
Directorate of Technical Education,
Maharashtra State Mumbai
- 4 The Commissioner & Competent Authority
State Common Entrance Test Cell,
Government of Maharashtra,
8th Floor, New Excelsior Building,
Fort, Mumbai
- 5 The Principal,
G.H. Rasoni College of Engineering
And Management, Gut No.1200,
Domkhel Road,
Wagholi Pune, Dist. Pune

Respondents

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Mr. S.M. Vibhute, advocate for petitioner

Mr. P.S. Patil Assistant Govt. Pleader for respondent Nos.1 to 4.

CORAM : **R.M. BORDE AND**
MANGESH S. PATIL, JJ

Date : 23RD AUGUST, 2018

ORAL JUDGMENT

(Per: R.M. Borde, J)

1 Heard.

2 Rule. With the consent of the parties, petition is taken- up for final disposal at admission stage.

3 The petitioner is objecting to the order passed by the Scrutiny Committee, directing invalidation of tribe certificate issued to him by the competent authority.

4 The petitioner claims to belong to *Koli Mahadev*, scheduled tribe and is in receipt of the tribe certificate issued by the competent authority. Since the petitioner is desirous of securing admission to professional course, as against a reserved category vacancy, the tribe certificate issued to the petitioner has been referred to the scrutiny committee for verification. The scrutiny committee has turned down the claim of the petitioner, mainly on the ground that there appears manipulation in the original record, pertaining to one Mr. Kashinath. However, it has not been demonstrated as to how this Kashinath is related to the

petitioner. Another reason for holding against the petitioner is alleged fabrication of entries in respect of birth date and place of Mansaram and verification of the caste claim of Mansaram. It has not been demonstrated as to whether any further proceedings are taken in respect of the order of invalidation.

5 We have perused the order passed by the scrutiny committee while directing invalidation of Tribe certificate of Sudhir, the father of the petitioner. In the circumstances, since two blood relations of the petitioner, including the father and real cousin uncle have been granted validation certificates, prima facie, we are of the opinion that the petitioner's claim deserves to be considered. It is pointed out that as a result of failure of the petitioner to tender validation certificate, an adverse action is likely to be taken and his admission to professional course is likely to be canceled.

6 This Court in the matter of one **Sushma Saibaba Nallamadge versus State of Maharashtra and others (Writ petition No.7511/2016 decided on 23.7.2018)** directed issuance of validation certificate to the petitioner subject to outcome of the proceedings initiated for cancellation of validity issued in favour of her blood relations. In view of this, a direction

shall have to be issued to the scrutiny committee to issue validation certificate in favour of the petitioner, subject to outcome of the proceedings initiated pursuant to the issuance of show cause notices against the blood relations of the petitioner and it is accordingly directed.

7 The scrutiny committee may take appropriate decision in the matters concerning blood relations of petitioner, without being influenced by disposal of the instant petition and this order shall not be construed as stay for proceeding further in respect of notices issued to the father and uncle of the petitioner and for taking decision by the scrutiny committee. It would be open for the respondent, in the event of passing any adverse order in respect of the caste-claim of the father and real uncle of the petitioner to move this Court.

8 Rule is made absolute in above terms.

9 There shall be no order as to costs.

(MANGESH S. PATIL, J)

(R.M. BORDE, J)