

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.9738 OF 2018

Gajanan S/o Ramesh Nallamadge
age: 18 years, occu: education,
R/o 29, Gajanan Nivas,
Jai Bhavani Nagar, Taroda Kh.
Nanded, Dist. Nanded

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,
JSPM's Imperial College of Engineering & Research,
Gut No.720, Pune - Nagar 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 *Mannervarlu*, 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 the father of the petitioner, who is in receipt of validation certificate issued by the competent scrutiny

committee.

5 It is pointed out that the father of the petitioner Ramesh, uncles Shriramlu and Vijaykumar are in receipt of the validation certificates issued by the competent scrutiny committee. Apart from this, the real uncle of the petitioner by name Yadav Sayanna Nallamadgu has also been issued validation certificate. The son of Yadav Sayanna and two daughters by name Savita and Sunita have also been issued validation certificates by the competent security committee.

6 It thus appears that eight blood relations of the petitioner including the father and two real uncles have been issued validation certificates by the competent scrutiny committee. Though the scrutiny committee has decided to reconsider the claim as regards issuance of validation certificate to the father of the petitioner, the said proceeding has not attained finality. Prima facie, we are satisfied that the petitioner, at this stage of the proceedings shall have to be issued validation certificate subject to the decision as regards reconsideration of the claim for issuance of validation certificate in favour of father of the petitioner by name Ramesh Hanumantrao Nallamadge.

7 This Court, while issuing validation certificate in respect of Sushma Saibaba Nallamadge, the cousin sister of the petitioner

has placed reliance on the validation certificate issued to Ramesh, the father of the petitioner. The decision was rendered in Writ Petition No.7511/2018 on 23.7.2018, wherein, a direction has been issued to the Scrutiny Committee to issue validation certificate to Sushma D/o Saibaba Nallamadge subject to outcome of the proceeding for cancellation of validity issued in favour of her blood relations.

8 Considering the view adopted by this Court in Writ Petition No.7511/2018, in respect of cousin sister of the petitioner, 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 for cancellation of the validation certificate issued in favour of his blood relations and it is accordingly directed.

9 With the above-said observations, the writ petition is allowed to the extent as indicated above.

10 Rule is made absolute in above terms.

11 There shall be no order as to costs.

(MANGESH S. PATIL, J)

(R.M. BORDE, J)