IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.9968 OF 2018

Manisha D/o Tanaji Marakwad,
Age: 18 years, Occu: Education,
R/o Hatral, Tq. Mukhed
Dist. Nanded Petitioner

Versus

1 The State of Maharashtra,
Through its Secretary,
Higher & Technical Education Department,
Mantralaya, Mumbai – 32

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,
2nd Floor, Near Excelsior Building,
Fort, Mumbai

5 The Principal,
College of Engineering Pune
Shivaji Nagar, Pune, Dist. Pune Respondents

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Mr. S.M. Vibhute, advocate for petitioner
Mr. P.S. Patil, Assistant Govt. Pleader for Respondents No.1 to 3
Mr. S.G. Karlekar advocate for respondent No.4

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

Date :30th 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 decision at admission stage.

3 The petitioner claims to belong to *Mannerwarlu*, scheduled tribe and is in receipt of tribe certificate issued by the competent authority. Since the petitioner was desirous of securing admission to professional course, the tribe certificate issued to petitioner has been referred to the scrutiny committee for verification. The scrutiny committee however, by order dated 29.8.2018 directed invalidation of the tribe certificate issued to the petitioner.

4 The petitioner has relied upon validation certificates issued to her five blood relations. The cousin brother of the petitioner by name Malhar, Kailash as well as Satyawan and cousin sister Parvati and Saraswati and paternal aunt by name Laxmibai have been issued validation certificates. The scrutiny committee has recorded certain discrepancies in respect of school record of the petitioner.

5 We have perused the original record in respect of invalidation proceedings of the petitioner. We are not satisfied as to the correctness of the observations made by the scrutiny committee. The Scrutiny committee has also issued notices to the blood relations of the petitioner who are in receipt of validation certificates from the earlier committee.

6 It would be open for the scrutiny committee to proceed with the investigation in relation to validation certificates issued to the blood relations of the petitioner. However, prima facie, we are of the opinion that the petitioner is entitled to receive validation certificate subject, however to the order that may be passed by the scrutiny committee in respect of the inquiries proposed against the blood relations of the petitioner as regards the validation certificates issued to them.

7 The Division Bench of this Court at its Principal Seat at Mumbai on 23.7.2018, in Writ Petition No.7500 of 2018 has adopted similar view of directing issuance of validation certificate subject to conditions. The same course needs to be adopted in the instant matter.

8 The petition, therefore is allowed.

9 The order passed by the scrutiny committee refusing to issue validation certificate to the petitioner is quashed and set aside and the scrutiny committee is directed to to issue validation certificate to the petitioner forth with subject to condition that in the event of quashment of the orders directing issuance of validation certificates to the blood relations of the petitioner, in the proposed enquiry, the validation certificate issued to the petitioner by virtue of the order in the instant petition, shall be deemed to have been withdrawn.

10 Rule is accordingly made absolute.

11 There shall be no order as to costs.

(MANGESH S. PATIL, J) (**R.M. BORDE, J**)

vbd