

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.9967 OF 2018

Shital D/o Sahebrao Erlod,

Age: 21 years, Occu: Education,

R/o Bothi, Tq. Umri

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,
8th Floor, Near Excelsior Building,
Fort, Mumbai
- 5 The Principal,
Dr. D.Y. Patil Institute of Engineering
Akurdi, 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 28.8.2018 directed invalidation of the tribe certificate issued to the petitioner.

4 The petitioner, in order to substantiate her contention, has

placed reliance upon validation certificates issued to her real uncle and father. The scrutiny committee has found fault with the order of issuance of validation certificates issued in favour of blood relations of the petitioner Viz. Sainath Narsimalu, the cousin brother of her father i.e. her cousin uncle.

5 We have perused the order passed by the scrutiny committee. The scrutiny committee has directed re-opening of enquiry in relation to issuance of validation certificate in favour of Sainath.

6 It would be open for the scrutiny committee to conduct appropriate enquiry on the strength of the notice already issued to Sainath Narsimallu Erlod. However, prima facie, we are of the opinion that since there is a validation certificate issued to the blood relation of the petitioner and the record produced by the petitioner appears to be consistent, at this stage, subject to pending enquiry, the petitioner shall have to be issued a validation certificate subject to certain conditions. A similar view has been adopted by the Division Bench of this Court at its Principal Seat at Mumbai on 23.7.2018, in Writ Petition No.7500 of 2018. Considering the Judgment in the said matter, we are of the opinion that the order of scrutiny committee directing

invalidation of the tribe certificate issued to the petitioner, deserves to be quashed and set aside and same is accordingly quashed and set aside. The scrutiny committee is directed to issue validation certificate to the petitioner subject to the decision in respect of review of the validation certificate issued to the blood relation of the petitioner by name Sainath Narsimalu. In the event, the scrutiny committee comes to the conclusion that the validation certificate issued to Sainath is fraudulent and if the committee directs invalidation of the said certificate, the order passed in the instant matter, directing issuance of validation certificate to the petitioner shall automatically be reversed. The scrutiny committee shall issue validation certificate to the petitioner forth with so as to facilitate her to confirm admission to professional course.

7 Rule is accordingly made absolute.

8 There shall be no order as to costs.

(MANGESH S. PATIL, J)

(R.M. BORDE, J)