

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

WRIT PETITION NO. 10027 OF 2018

Aishwarya D/o Suresh Gajulwar,
Age: Minor, Occ: Education,
R/o Daregaon, Tq. Degloor,
Dist. Nanded.

Through father & natural guardian
Suresh S/o. Shankarrao Gajulwar
Age: 48 years, Occ: Service,
R/o. As above. .

... **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,
Government College of Engineering,
Jalgaon, Dist. Jalgaon.

... **Respondents**

Mr. Sunil M. Vibhute, Advocate for Petitioner.
Mr. P.S. Patil, AGP for Respondent Nos.1 to 3.
Mr. S.G. Karlekar, Advocate for Respondent No.4

**CORAM : R.M. BORDE &
MANGESH S. PATIL, JJ.**
DATE : 31.08.2018

ORAL JUDGMENT:

Heard.

2. Rule.

3. With the consent of the parties the petition is taken up for final disposal at admission stage.

4. The petitioner claims to belong to 'Mannervarlu' Scheduled Tribe and is in receipt of the tribe certificate issued by the competent authority. The tribe certificate validation claim of the petitioner was referred to respondent no.2-committee for consideration and the same has been invalidated by the committee by an order dated 29.08.2018.

5. The petitioner is a student seeking admission to a professional course as against a seat earmarked for Scheduled Tribe category and as such there is an urgency for issuance of tribe validation certificate. The petitioner places reliance on the tribe validation certificate issued in favour of the cousin

sister Parvati Ashokrao Gajulwar, as well as the tribe validation certificate issued to her real aunt by name Shobha Shankarrao Gajulwar. The committee has brushed aside the evidence in the form of tribe validation certificates proposal of the blood relations and has rejected the claim of the petitioner. There are no substantive reasons for turning down the evidence in the form of validation certificates of the blood relations. In view of the judgment of the Division Bench in the matter of **Apoorva Vinay Nichale V/s. Divisional Caste Certificate Scrutiny Committee No.1 and Others, reported in 2010(6) Mh.L.J. 401**, the committee ought to have considered the evidence in the form of tribe validation certificates issued to the blood relations and allowed the claim of the petitioner. The only reason that has been recorded for turning down the evidence is that in the matter of Shobha, the vigilance cell report furnished in the matter of Parvati was taken in to account. It is contended that the claim of Parvati has not been properly dealt with by the committee and the contra evidence has been brushed aside. The scrutiny committee has not recorded any finding as regards the fabrication of any documents or fraud having been committed by the petitioner or her relations in securing the validation certificates. The reasons assigned by the scrutiny committee are unsustainable and as such the decision rendered does not appear to be proper and correct.

6. In the circumstances, the writ petition is allowed. The order

passed by the scrutiny committee directing invalidation of the tribe certificate issued to the petitioner is quashed and set aside and the scrutiny committee is directed to issue validation certificate to the petitioner. If at all the committee reconsiders the validation certificates issued to the blood relations, the decision in the instant matter of issuance of validation certificate to the petitioner shall be conditional upon the outcome of the inquiry in the matters of blood relations of the petitioner.

7. With the directions as above, the writ petition is disposed of. Rule made absolute to the extent as specified above. There shall be no order as to the costs.

[MANGESH S. PATIL, J.]

[R.M. BORDE, J.]