

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

WRIT PETITION NO. 10793 OF 2018

Roshan s/o Suresh Thakur,
Age 21 years, Occu. Education,
R/o. Saigavhan, Tq. Kannad,
District Aurangabad.

At present R/o. E-8, 'Adhar',
Rathi Sansar, Pisa Devi Road,
Aurangabad.

Tq. & District Aurangabad.

... **Petitioner**

Versus

1. Scheduled Tribe Certificate
Scrutiny Committee,
Aurangabad Division, Aurangabad.
Through its Member Secretary.

2. Indian Council of Agricultural Research,
Krishi Anusandhan Bhawan-II,
PUSA, New Delhi – 110 012,
Through its Controller of Examinations
(Agricultural Education)

... **Respondents**

Mr. Deshmukh Mahesh S., Advocate for Petitioner.
Mr. P.S. Patil, AGP for Respondent-State.

**CORAM : R.M. BORDE &
MANGESH S. PATIL, JJ.**
DATE : 26.09.2018

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 claim for issuance of tribe validation certificate furnished by the real sister of the petitioner came to be turned down by the scrutiny committee by an order dated 01.09.2017. The real sister of the petitioner by name Snehal approached the Principal Seat at Mumbai by presenting Writ Petition No. 7628 of 2018 and the same has been allowed. The Division Bench of this court at Mumbai while disposing of the writ petition has observed in para 8 of the judgment as quoted below:

“8. In view of above, the Committee is directed to issue Tribe validity certificate to the Petitioner forthwith. As the Committee has already initiated proceeding for cancellation of validity issue to the blood relations of the Petitioner, in response to the Courts query, it is assured by the Committee that the Committee will conclude those proceeding within a period of three months from the date of receipt of copy of this order. If the proceeding for cancellation of caste validity holders are answered against such certificate holders, it shall be open for the Respondent Committee to issue show cause notice to the Petitioner as to why the validity certificate granted to petitioner should not be cancelled and it will be open for the Committee to take those proceeding to its logical end. Needless to say that the certificate issued to the Petitioner is subject to the outcome of the proceeding for cancellation of validity issue in favour of her blood relations.”

5. It is informed that the tribe certificate validation claim of the petitioner is pending with the scrutiny committee. She has been selected to an Agricultural Course and is required to submit the validation certificate to the admission authorities by 01.10.2018. In the circumstances, request of the petitioner for issuance of direction to the scrutiny committee to decide the tribe certificate validation proposal of the petitioner can be considered favourably.

6. The respondent no.1-scrutiny committee is directed to decide the tribe certificate validation proposal of the petitioner as expeditiously as possible and preferably by 29.09.2018. The petitioner shall cause appearance before the scrutiny committee tomorrow on 27.09.2018, the scrutiny committee shall have due regards to the observations made by the Division Bench in Writ Petition No. 7628 of 2018 and shall issue the tribe validation certificate subject to the conditions recorded in para 8 of the said order.

7. With the directions as above, the writ petition is disposed of. Rule is made absolute to the extent as specified above.

[MANGESH S. PATIL, J.]

[R.M. BORDE, J.]