

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

1 CIVIL WRIT PETITION NO. 7728 OF 2020

Mohmad Hamza Khan s/o Mukram Ahmed Khan,
Age : 18 years, Occu.: Student,
R/o.: Plot No.6, Khasi Pool Bus-stand Road,
Near Hire Bhavan Govt Housing Society,
Dhule, Tq. & District : Dhule

... PETITIONER

VERSUS

1. The State of Maharashtra,
(Through its Medical Education Department),
Mantralaya Mumbai-32)
2. The Schedule Tribe Certificate
Scrutiny Committee, M.S.
(Through its Assistant Commissioner or
Vice President, Nandurbar Division,
Nandurbar, Tq. & Dist. Nandurbar)
3. The Competent Authority and
Commissioner, State Common Entrance
Test Cell Mumbai,
8th Floor, New2 Excelsior Building,
A. K. Nayak Marg, Fort Near CSMT
Mumbai 400 001 (M.S)
4. Directorate General of Health Services,
Ministry of Health & Family Welfare
Government of India Medical Counseling
Committee (MCC), New Delhi

... RESPONDENTS

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Advocate for Petitioner : Mr. K. M. Nagarkar
AGP for Respondent Nos.1 & 2 : Mr. S. P. Sonpawale
Advocate for Respondent No.3 : Mr. M. D. Narwadkar
Advocate for Respondent No.4 : Ms. Sudha Chintamani
...

**CORAM: SUNIL P. DESHMUKH &
SHRIKANT D. KULKARNI, JJ.**

DATED: 12TH NOVEMBER, 2020.

ORDER:

Heard learned counsel for the petitioner. He points out that despite father of the petitioner having been issued validity certificate of being *Tadvi* scheduled tribe and a lot of cousins and near relatives also have been issued with validity certificates of being *Tadvi*, the committee has erred in declining the claim of the petitioner on technical ground that the certificate having been not issued by competent authority. He submits that sufficient evidence was placed on record indicating that petitioner's family origin is in *Khandesh* where ordinarily *Tadvis* are found. Tribe certificate had been issued to the petitioner by competent authority from Dhule which is in *Khandesh*. In the circumstances the committee has been rather too technical in declining to validate the claim of the petitioner. He further submits that the medical admissions are going on and validity certificate is insisted on from the petitioner.

2. Learned Assistant Government Pleader Mr. S. P. Sonpawale submits that it would emerge that the certificate issuing authority, which has issued tribe certificate to the petitioner was not the authority which had issued certificate to petitioner's father. In the circumstances, no benefit would inure to the petitioner if the court directs the committee to consider the claim of the petitioner which is not legal and lawful and would not stand test of law. He, therefore, submits that the petition is devoid of

any substance and deserves to be dismissed.

3. Having regard to aforesaid, we deem it appropriate to direct concerned competent authority from Raver, District : Jalgaon, to immediately issue requisite certificate to the petitioner on his application with relevant documents in support and having regard to that petitioner's father's tribe has been validated, it would be expedient that the competent authority would issue tribe validity certificate to the petitioner, immediately on the very next day of making application by the petitioner.

4. Learned counsel for the petitioner submits that the application would be lodged within a day. In such a case the competent authority to issue necessary certificate to the petitioner immediately on the next day and thereafter the petitioner may approach concerned scrutiny committee, and the concerned committee to decide on the claim of the petitioner, if it is lodged by Monday, by 25th of November, 2020.

5. With aforesaid, writ petition is disposed of.

(SHRIKANT D. KULKARNI, J.) (SUNIL P. DESHMUKH, J.)

vsm/