

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

925 WRIT PETITION NO.2531 OF 2021

VAISHNAVI DNYANOBA GARUD

VERSUS

STATE COMMON ENTRANCE TEST CELL AND OTHERS

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Advocate for Petitioner: Mr. Phatale Sagar S
Advocate for Respondent No.1: Mr. S. G. Karlekar
AGP for Respondents/State: Mr. P. K. Lakhotiya

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**CORAM: S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.**

DATE: 09th FEBRUARY, 2021

PER COURT:

1. The tribe claim of the petitioner as Thakur, Scheduled Tribe is invalidated.

2. Amongst various submissions, one of the submission made is that, the paternal cousins are issued with the validities under the directions of this Court in Writ Petition No. 8739 of 2019, 8761 of 2019 and at Principal Seat in Writ Petition No. 7460 of 2018. It appears that the relationship is not disputed. At the Principal Seat, in case of *Kunal S/o. Jitendra Garud*, in Writ Petition No.7460 of 2018, dated July 30, 2018, the Division Bench observed thus-

"7. In the circumstances, in the light of the judgment in the case of law laid down in the cases of Apoorva Nichale, Anand vs. Committee and Raju Ramsing Vasave (supra), the Petitioner is entitled to be granted caste validity certificate forthwith. However, the issuance of the certificate shall be subject to the outcome of the show cause notice which has been issued against the paternal cousin uncle and paternal cousin brothers and sister the Petitioner by the Committee as the caste validity certificate issued to them is found to be based on interpolation/adverse entries."

3. In light of that, we follow the same course.

4. The Committee shall issue validity certificate to the petitioner of Thakur, Scheduled Tribe immediately.

5. The said validity certificate shall be subject to the decision that would be taken by the committee in the proceedings re-opened of the validity holders relied by the petitioner.

6. Writ Petition is accordingly disposed of. No costs.

[SHRIKANT D. KULKARNI, J.]

[S. V. GANGAPURWALA, J.]

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