

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

928 WRIT PETITION NO.12601 OF 2021

PRASAD JITENDRA GARUD
VERSUS
STATE COMMON ENTRANCE TEST CELL AND ANOTHER

...
Advocate for Petitioner : Mr. S.S. Phatale
AGP for Respondents State : Mr. P.S. Patil
...

**CORAM : S.V. GANGAPURWALA &
R.N. LADDHA, JJ.**
DATED : 18/11/2021.

PER COURT :

1. The caste claim of the petitioner as belonging to 'Thakur' Scheduled Tribe is invalidated.

2. Mr. Phatale, learned advocate for the petitioner submits that the real brother of the petitioner Kunal had also applied for the validity certificate, the same was rejected by the Committee. The said Kunal had filed writ petition before the Principal Seat. The Division Bench of this Court at Principal Seat under order dated 30th July 2018 in Writ Petition No.7460/2018 allowed the writ petition filed by the real brother of the petitioner and directed the Committee to issue the validity certificate to him. Similarly, many paternal relatives of the petitioner are issued with the validity certificates under the order of

this Court and so also by the Committee. The said orders are placed on the record.

3. The learned AGP submits that all those validity granted by this Court in the case of real brother and other relatives are conditional validity. Earlier invalidation has been suppressed. The said fact has been considered by the Committee. The petitioner also failed in affinity test.

4. It appears that the real brother of the petitioner Kunal was denied the validity certificate. He filed Writ Petition No.7460/2018 before the Principal Seat. The Division Bench of this Court at Principal Seat under order dated 30th July 2018 allowed the said writ petition and directed the validity to be granted to him, ofcourse, subject to the decision taken in the proceeding referred of the validity holder relied by the petitioner. The other relatives are also granted similar validity by this Court in various writ petitions. In view of that, we follow the same course.

5. The respondent Committee shall issue validity certificate to the petitioner of the 'Thakur' Scheduled Tribe. The same shall be

subject to the decision that may be taken by the Committee in the proceedings reopened of the validity holders relied by the petitioner.

6. Writ petition is disposed of. No costs.

[R.N. LADDHA, J.]

[S.V. GANGAPURWALA, J.]

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