

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.13013 OF 2021**

PRATIKSHA DAGADU SHINDE

..PETITIONER

VERSUS

STATE COMMON ENTRANCE TEST CELL
AND ANOTHER

..RESPONDENTS

...

Mr. Sagar S. Phatale, Advocate for the Petitioner.

Mr. S. K. Tambe, AGP for Respondents-State.

Mr. S. G. Karlekar, Advocate for Respondent No.1.

...

**CORAM : S. V. GANGAPURWALA &
R. N. LADDHA, JJ.**

DATED : 02nd DECEMBER, 2021.

PER COURT:-

1. We have heard learned counsel for the petitioner and learned A.G.P.

2. Amongst the other submissions one of the submission made by the learned counsel for the petitioner is that, real cousin brother of the petitioner namely Ajay Shivaji Shinde had also applied for validity certificate of 'Thakur', Scheduled Tribe. His claim was invalidated. He filed Writ Petition bearing No.11970/2019 before this Court. This Court under order dated 16.10.2019 directed the Committee to issue validity certificate to him.

3. The learned A.G.P. submits that, there are contra entries on record in case of petitioner's uncle of the year 1953 showing caste as 'Maratha'. The name of Pandurang is not shown deliberately in

the genealogy by the petitioner. The petitioner has failed the affinity test. The petitioner does not belong to the area where the Scheduled Tribe persons reside.

4. The respondents does not dispute that Ajay Shivaji Shinde is son of the real paternal uncle of the petitioner. He had filed Writ Petition bearing No.11970/2019 against the invalidation of his caste claim. This Court under order dated 16.10.2019 directed to issue validity certificate conditionally.

5. In light of the above, we pass the same order:

A. The Committee shall issue validity certificate to the petitioner of 'Thakur', Scheduled Tribe. The said validity certificate would be subject to the decision that would be taken by the Committee in the proceedings reopened of the validity holders relied by the petitioner. In case their claims are invalidated, the petitioner will have to face the consequences.

6. With these observations, the writ petition is disposed of. No costs.

(R. N. LADDHA)
JUDGE

(S. V. GANGAPURWALA)
JUDGE