

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

WRIT PETITION NO.7210 OF 2022

Vaishali Bhagwat Thakur ..Petitioner

Versus

The State of Maharashtra and Anr. ..Respondents

...

Mr. Sushant C. Yeramwar, Advocate for the
Petitioner.

Mr. S. G. Karlekar, AGP for Respondents-State.

...

CORAM : RAVINDRA V. GHUGE

AND

ANIL L. PANSARE, JJ.

DATED : 21st JULY, 2022.

PER COURT:-

1. We have considered the submissions of the learned Advocate for the petitioner and learned A.G.P. who is supported by the entire record produced by the Committee.

2. Though three persons from the family tree of the petitioner, namely Rajabhau, Atmaram and Kishor are set out therein, Rajabhau and Kishor are from the paternal side and Atmaram is from her maternal side. When Kishor got his validity, the invalidation of his paternal cousin sister Manisha, was suppressed. Rajabhau and Kishor have received their validity after the invalidation of Manisha,

who is from the paternal side of the petitioner, by concealing her invalidation.

3. The learned Advocate for the petitioner submits that the petitioner is a student of 2nd year Diploma Course in Electrical Engineering. She secured her admission from the Scheduled Tribe category.

4. In the case of Kishor, this Court had interfered with his earlier invalidation and on remand of the proceedings, the Committee granted him the validation. In the case of Rajabhau, the Committee and this Court did not grant him validation. The Hon'ble Supreme Court remanded the matter to the Committee for a decision afresh and the Committee then granted him the validation. In this entire exercise, the invalidation of Manisha has been suppressed.

5. The learned Advocate for the petitioner has vehemently canvassed that she was never aware of any person by name Manisha Pandharinath Thakur to have been related to her. She is a second

cousin sister. Kishor and Rajabhau are her cousin brothers. She was unaware that Kishor has divulged in his entire family tree which includes the petitioner, that Manisha is one of the second cousin sister. The record reveals that the claim of Manisha has been invalidated and the said order is intact today.

6. The learned Advocate for the petitioner then submits that the Committee has sprung a surprise on the petitioner about the existence of Manisha. The petitioner could be such a distant relative of Manisha that she did not even know any such Manisha to be a member of her family which flows from Sakharam and Pandharinath. By such a surprise, the Committee has wholly relied upon the invalidation of Manisha and ignored the validity certificates of Kishor and Rajabhau and based of such invalidation of Manisha alone, has invalidated the claim of the petitioner. She therefore prays for a remand.

7. The learned A.G.P. has vehemently opposed contending that the petitioner conveniently knows

only those relatives who are having validity certificates and conspicuously does not know Manisha since her claim has been invalidated. Nevertheless, the record reveals that Manisha's name did not crop up for any discussion before the Committee. The learned A.G.P. therefore submits that, the petitioner will have to first establish before the Committee that she did not have the knowledge of the existence of Manisha and thereafter, explain as to how she could be granted validity though the claim of Manisha has been invalidated.

8. In view of the above, this petition is partly allowed. The impugned order dated 23.08.2021 is quashed and set aside and the proceeding bearing No.LAT/EDN/102/2011 is remitted to the office of the Committee at Aurangabad, respondent no.2 herein. The petitioner would appear before the Committee on 17.08.2022 at 12.00 noon. The petitioner would specifically convince the Committee as to whether the existence of Manisha was unknown to her and thereafter, convince the Committee that though the claim of Manisha has

been invalidated, the petitioner's claim can be considered, on her own feet, for validation.

9. The Committee shall decide the claim of the petitioner as expeditiously as possible and on or before 15.10.2022.

10. The petitioner shall extend fullest co-operation to the Committee and shall not seek adjournment on unreasonable and trivial ground.

11. We grant liberty to the Committee to consider all entries of the entire family tree of the petitioner while considering the case.

12. We would not wish to express any opinion about the Committee planning to reopen the cases of Kishor and Rajabhau since, according to the Committee, they were granted validities by suppressing the invalidation of Manisha who was the first candidate from family tree to have sought validation.

13. In view of the above, the admission of the petitioner with respondent no.3 college, shall be

protected till the decision of the Committee and one month thereafter, if the decision is adverse to her.

(ANIL L. PANSARE)
JUDGE

(RAVINDRA V. GHUGE)
JUDGE

Devendra/July-2022