

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

996 WRIT PETITION NO.8660 OF 2022

SUDARSHAN BABASAHEB NIRDE THROUGH FATHER AND
NATURAL GUARDIAN BABASAHEB RAMNARAYAN NIRDE
VERSUS
THE UNION OF INDIA THROUGH ITS SECRETARY AND
OTHERS

...

Advocate for Petitioner: Mr. Vibhute Sunil M.

AGP for Respondent/State: Mr. S. G. Sangle

ASGI for Respondent Nos.1&2: Mr. A. G. Talhar

...

CORAM: RAVINDRA V. GHUGE

AND

ARUN R. PEDNEKER, JJ.

DATE: 23rd AUGUST, 2022

PER COURT:

1. Leave to correct prayer clause 'B' and
'C'.

2. The petitioner is of 15 years, who has
appeared through his biological father. He has
been selected to join the Jawahar Navodaya
Vidyalaya, which is an autonomous school of
Ministry of Education, Government of India
(Department of School Education and Literacy),
at Gadhi, Taluka — Georai, District — Beed. Such
admission is on a seat reserved for 'Koli Mahadev'

Scheduled Tribe. Consequentially, a tribe certificate is to be tendered and the last date for submission of documents is 25/08/2022.

3. It is further submitted that the petitioner has already tendered an application to respondent No.3 on 01/10/2021 and is awaiting issuance of a certificate.

4. We are aware that the scrutiny of the application is to be performed and only after the authorities are convinced, that a certificate can be issued. In the instant case, the brother of the petitioner has already been granted an identical scheduled tribe certificate and father's claim is validated.

5. This Court has taken a view vide the order dated 08/10/2007, delivered in Writ Petition No.5747/2007, filed by Kum. Chandrakala Hanmantrao Padalwar Vs. Union of India and others and the order dated 26/03/2019 in Writ Petition No.3796/2019, filed by Vaishnavi

Shankarrao Pupulwad. Provisional selection has been granted and the tribe certificate is directed to be issued within four weeks.

6. In view of the above, this petition is disposed off with the following directions :-

(a) Respondent No.3 shall complete the procedure, as is laid down in law and if the petitioner is found eligible, issue a tribe certificate, on or before 30/09/2022 at 11.00 a.m.

(b) The biological father of the petitioner would remain present on the said date and time, and by completing the procedure, would receive the tribe certificate, if granted.

(c) Such certificate shall be tendered to respondent No.2 - Principal, on or before 15/10/2022.

(d) Until 15/10/2022 or till the submission of tribe certificate, whichever is earlier, the petitioner would not be prevented from being admitted and from attending the classes.

7. In the event, the tribe certificate is refused, respondent No.2 would be at liberty to initiate appropriate steps, but not prior to 15 days from the date of such refusal, so as to enable the petitioner to approach the appellate authority.

[ARUN R. PEDNEKER, J.]

[RAVINDRA V. GHUGE, J.]

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