

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

915 WRIT PETITION NO.10086 OF 2022

**VIDHI PRASAD SISODE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA
THROUGH ITS SECRETARY AND ANOTHER**

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**Advocate for Petitioners: Mr. Sushant C. Yeramwar
AGP for Respondent/State: Mr. S. G. Karlekar**

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**CORAM: RAVINDRA V. GHUGE
AND
ARUN R. PEDNEKER, JJ.**

DATE: 29th SEPTEMBER, 2022

PER COURT:

1. Both these Petitioners are biological siblings who have put-forth prayer clause 'B', as under:-

"(B) To direct the Respondent No.2-Scheduled Tribe Certificate Scrutiny Committee, Dhule to decide Tribe Claims of the Petitioners within a stipulated period as this Hon'ble Court deems fit, by issuing appropriate writ, orders, or directions as the case may be;"

2. We are informed that the Admissions Regulating Authority has prescribed a time line within which the validity certificates have to be submitted by the students who cleared the exams, since tendering of validity certificates is a pre-condition for securing admissions to professional courses. For some courses, 07.11.2022 is the deadline and for some courses it is beyond 07.11.2022.

3. The learned AGP representing the Committee submits that there are more than 9000 orders passed by the High Court granting time line to the Committee to decide the said cases. Most of such orders pertain to the cases of students.

4. In the instant case, Petitioner No.1 tendered her proposal for validation in June 2021 and Petitioner No.2 has tendered the proposal recently in June 2022. In such matters, it is extremely difficult for the Committee to short circuit the process and hurriedly run through the proceedings and grant or reject the claims. He,

therefore, submits that in the case of Petitioner No.1, the Committee would require time at least till 30.12.2022 and in the case of Petitioner No.2, it will require time till February 2023.

5. The learned Advocate for the Petitioners submit that both the Petitioners would rely upon the vigilance cell reports either of the father Prasad or his biological sister Mandakini or the cousin aunt Prasanna d/o. Amrutrao Sisodiya and Radhika d/o Kalyan Thakur. All of them are mentioned in the family tree, which is set out with the affidavit filed by the Petitioners. He, further, submits that if the Committee stumbles across any contra evidence, the committee may confront the Petitioners with such evidence and, thereafter, arrive at an appropriate decision.

6. The father of these two Petitioners was granted validity under the order of this Court dated 18.12.2006, in Writ Petition No.9380 of 2005.

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

A] The statement of the Petitioners made through their father Prasad, that they would rely upon the vigilance cell inquiry reports of either Prasad or Mandakini or Prasanna or Radhika, is recorded.

B] The Committee would be at liberty to confront these two Petitioners with any contradictory evidence notwithstanding the vigilance reports of any of the validity holders being relied upon by the Petitioners.

C] Let the Committee pass orders in both these cases, on or before 15.11.2022, keeping in view that the deadline of 07.11.2022 is not applicable to these two Petitioners.

D] Needless to state, the Committee would arrive at a finding on the merits of each case.

E] In the case of no contra evidence available, the law laid down in case of Apoorva Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1 and others, 2010 (6) Mh.L.J. 401, may be followed.

[ARUN R. PEDNEKER, J.]

[RAVINDRA V. GHUGE, J.]

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