

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

WRIT PETITION NO.11223 OF 2022

**DARSHANA BAPURAO BAWASKAR THROUGH
NATURAL GUARDIAN FATHER BAPURAO KESHAVRAO
BAWASKAR**

VERSUS

**THE STATE OF MAHARASHTRA THROUGH ITS
PRINCIPAL SECRETARY AND OTHERS**

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Advocate for the Petitioner : Shri Dambe Santosh S.

AGP for the Respondents/State : Shri P.K. Lakhotiya

Advocate for Respondent 3 : Shri M.D. Narwadkar

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CORAM : RAVINDRA V. GHUGE

&

SANJAY A. DESHMUKH, JJ.

DATE :- 11th November, 2022

Per Court :-

1. The petitioner is a 17 years old girl student. Her proposal for seeking validation of her claim of belonging to “Malhar Koli”, Scheduled Tribe category, was submitted on 05.09.2022. This petition is filed on 09.11.2022, which is around 64 days after the lodging of the proposal. She has applied to the Admission Regulatory Authority after appearing for the NEET UG Examination, 2022 and she was allotted a college in the first round on 29.10.2022. Since she did not have a validity certificate

until the conclusion of the first round, she has been converted into an open category candidate vide Rule 9.1.5.1 of the NEET UG Admission Rules, 2022. The second round for recruiting the open category candidates would commence on 16.11.2022 and would conclude on 22.11.2022.

2. According to the learned advocate representing respondent No.3/ Commissioner and Competent Authority, State CET Cell, Mumbai, the petitioner is already placed in the open category slot for the purpose of the second round.

3. Be that as it may, the petitioner today does not have a validity certificate.

4. The learned AGP representing the Scrutiny Committee submits, on instructions, that her papers have just been forwarded to the Vigilance Cell Committee. It is impossible for the Scrutiny Committee to deliver a result on the claim of the petitioner, on or before 22.11.2022, which is just 11 days from today.

5. The learned advocate for the petitioner submits that the petitioner's father has a validity certificate issued in 2008 and the cousin uncle from the paternal side was issued with the validity certificate in 2012.

6. The learned AGP submits, on instructions, that the vigilance cell enquiry cannot be done away with.

7. Considering the above, the only option available is, on the one hand, to direct the Scrutiny Committee to decide the claim of the petitioner expeditiously and preferably within a period of three months from today. On the other hand, the petitioner is at liberty to compete from the open category and if eventually, her claim is validated and if there is any scope for her to seek advantage of the reservation in education and employment, she would be at liberty to do so.

8. This Writ Petition is, accordingly, disposed off.

kps

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE, J.)