

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO. 4869/2021

Krutika Deepak Ghodmare (Aged 21 Years),
Occupation: Student (And Candidate eligible for
admission to MCA Course), 793, Waman Smruti
Building, Shreenath Road, Shantinagar, Nagpur-440 002.

PETITIONER

.....VERSUS.....

1. The Scheduled Tribe Certificate Scrutiny Committee, Nagpur, Through its Member Secretary, Giripeth, Nagpur – 440 010.
2. State Common Entrance Test Cell, Government of Maharashtra, through its Competent Authority, 8th Floor, New Excelsior Building, A.K. Nayak Marg, Fort, Mumbai – 400 001.
eMail – maharashtra.cetcell@gmail.com

RESPONDENTS

Shri S.P. Khare with Shri N.D. Jambhule, counsel for the petitioner.
Mrs. K.R. Deshpande, Assistant Government Pleader for the respondent no.1.
Shri N.S. Khubalkar, counsel for the respondent no.2.

CORAM : A. S. CHANDURKAR AND SMT. M.S. JAWALKAR, JJ.

DATE : 03RD FEBRUARY, 2022.

ORAL JUDGMENT (PER : A.S. CHANDURKAR, J.)

RULE. Rule made returnable forthwith and heard the learned counsel for the parties.

2. The petitioner by this writ petition seeks a direction to be issued to the Scrutiny Committee to issue a validity certificate of belonging to 'Mana' Scheduled Tribe in the light of the fact that her real sister Gayatri has been held to belong to 'Mana' Scheduled Tribe by this Court in Writ Petition No.6508 of 2018.

3. Considering the averments made in the writ petition on 06.01.2022 the following order was passed:

“It is submitted by the learned counsel for the petitioner that the real sister of the petitioner had approached this Court in Writ Petition No.6508 of 2018 and by judgment dated 27.02.2019 after setting aside the order passed by the Scrutiny Committee the issuance of validity certificate was directed. The said validity certificate has been issued on 08.03.2019.

The learned Additional Government Pleader to obtain instruction from the respondent no.1 as to whether the said judgment in Writ Petition No.6508 of 2018 has been challenged or not.

Stand over one week.”

4. Today, the learned Assistant Government Pleader on instructions submits that the judgment in Writ Petition No.6508 of 2018 has not been challenged further by the Scrutiny Committee.

5. Perusal of the order passed in Writ Petition No.6508 of 2018 indicates that after considering the earlier validity certificates issued to the paternal uncles of the petitioner therein, the claim of Gayatri – the petitioner’s sister of belonging to ‘Mana’ Scheduled Tribe was accepted. It is also seen from the record that the adjudication of the Scrutiny Committee in those proceedings was pursuant to obtaining a report of the Vigilance Cell. Since the petitioner is the younger sister of the petitioner in Writ Petition No.6508 of 2018, we find that the petitioner would be entitled to similar relief.

6. Hence, in view of the adjudication in Writ Petition No.6508 of 2018 the Scrutiny Committee is directed to issue a validity certificate to the petitioner of belonging to 'Mana' Scheduled Tribe within a period of four weeks from the date of production of this order before it. The petitioner is free to rely upon a copy of this judgment to support her claim of belonging to 'Mana' Scheduled Tribe and that a direction to issue a validity certificate has been issued by this Court.

7. Rule is made absolute in aforesaid terms. No costs.

(SMT. M.S. JAWALKAR, J.)

(A.S. CHANDURKAR, J.)

APTE