

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

WRIT PETITION NO. 6793/2022

Pranay S/o. Deepak Likhhar

...**VERSUS**...

State Common Entrance Test Cell, Maharashtra State, Mumbai and ors.

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri Ashwin Deshpande, Advocate for petitioner.
Shri N.R.Patil, AGP for respondents.

CORAM : SMT. M.S. JAWALKAR & MRS. VRUSHALI V. JOSHI, JJ.
DATE : 01/11/2022

The present petition is filed by the petitioner to issue direction to respondent nos. 1 and 2 for grant of admission to the petitioner on the basis of an undertaking to submit caste validity certificate as the caste validity of the petitioner is pending for verification before the Scrutiny Committee, Amravati. The second prayer is for issuance of direction to respondent no. 2 Committee to issue caste validity certificate in pursuance to the law laid down by this Court in ***Apurva Nichale V/s. Division Certificate Scrutiny Committee and others [2010(6) Mh.L.J.401]***.

2. We have heard the learned counsel for the petitioner as well as the learned counsel for respondent no. 3. It appears that earlier petition was filed by the petitioner bearing Writ Petition No. 4296/2022 wherein direction was given to the Scrutiny Committee to decide the caste claim of the petitioner in accordance with the law at the earliest and in any case within four weeks from the date of receipt of the judgment.

3. It appears that inspite of this specific directions, the Scrutiny Committee has not decided the claim of the petitioner. The petitioner also filed contempt proceedings before this Court. It appears that the petitioner placed on record the validity certificates of her real sister and cousin sister. Both the validity certificates were issued pursuant to the order passed by this Court. Copy of judgment in petition i.e. Writ Petition No. 10423/2017 is placed on record.

4. As such, in view of the judgment passed by this Court in **Apoorva Nichale** (Supra), there is no impediment in granting certificate to the petitioner. This Court in Writ Petition No. 3544/2022 on the basis of judgment in **Apoorva Nichale** (Supra) directed to issue validity certificate to the petitioner therein of belonging to Halba Schedule Tribe.

5. The Caste Scrutiny Committee specifically then was given direction to decide caste claim within four weeks, however, it fails to do so. In view of caste validity certificate issued to real sister and cousin of the petitioner, we are directing the Caste Scrutiny Committee to issue the caste validity certificate to the petitioner as he belongs to Halbi Schedule Tribe by 3rd of November, 2022.

6. Writ Petition is allowed and disposed of in the above terms.

7. The parties to act on the authenticated copy of this order.

(Mrs. Vrushali V. Joshi, J.)

(Smt. M.S. Jawalkar, J.)