

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

984 **WRIT PETITION NO. 1712 OF 2022**

Sachin S/o Prakash Annamwar
Age : 28 years, Occu. Education,
R/o. Madnapur, Tq. Mahoor,
Dist. Nanded

.. Petitioners

Versus

- 1] The State of Maharashtra
Through its Secretary,
Medical Education and Drugs Department,
Mantralaya, Mumbai
- 2] The Scheduled Tribe Caste Certificate
Verification Committee, Kinwat,
Through its Dy. Director (R),
At Aurangabad
- 3] The Commissioner & Competent Authority,
Commissionerate of Common Entrance Test Cell,
Government of Maharashtra,
8th Floor, New Excelsior Building,
A.K. Naik Marg, Fort,
Mumbai

.. Respondents

...
Advocate for Petitioner : Mr. Vibhute Sunil M.
AGP for the respondent – State : Mr. S.K. Tambe
...

**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**

DATE : 27 JUNE 2023

ORAL ORDER (MANGESH S. PATIL, J.) :

Heard.

2. The petitioner who claims to be belonging to Mannervarlu scheduled tribe has completed MBBS Course and has appeared for

the NEET-PG-2023. He is challenging the order passed by the respondent – scrutiny committee refuting his claim.

3. We have heard both the sides finally at length and perused even the original papers in the matter of petitioner's real brother – Sunil.

4. The learned advocate for the petitioner as also the learned AGP took us through the record and endeavoured to demonstrate as to how the petitioner ought to have been issued or ought not to have been issued with the validity certificate by resorting to other circumstances. Learned AGP went to the extent of demonstrating as to how the petitioner's brother could secure the validity certificate by not disclosing several contrary entries which have been elaborately dealt with by the committee in the impugned order. Plausible decision is taken by the committee making observations attributing fraud / forgery resorted to at the time of obtaining validity certificate by petitioner's brother – Sunil.

5. In the normal course this Court would have undertaken a detail scrutiny of the reasons assigned by the committee in the impugned order, however, there is a peculiar circumstance which enables us to deviate from this normal course.

6. Apart from the fact that even if the scrutiny committee has decided to reconsider case of the petitioner's brother – Sunil and decided to issue notice to him, that would take its own time.

7. This Court has been consistently granting conditional validities to similarly placed petitioners where the blood relations are armed with validity certificates and the validity certificates are put to further scrutiny.

8. More importantly, it is necessary to note that in the matter in hand as can be seen from the original papers from the file of petitioner's brother – Sunil, validity granted to his cousin by name Tushar was before the Committee. As can be seen from item no. 8 in the order dated 30-8-2020 in the matter of Sunil Prakash Annamwar, there is even reference to the proceedings of Tushar Vyankat Annamwar.

9. If the committee in the matter in hand had gone through the file of Sunil it must have noticed the fact of issuance of validity certificate to Tushar, however, there is no comment by the Committee in that respect much less as to if Tushar having resorted to the fraud while obtaining the validity certificate. The learned AGP on instructions submits that Tushar's file is not traceable. Whatever may be the case, the scrutiny committee in the matter in hand was alive to the fact that the petitioner's cousin Tushar was issued a validity certificate. No exception was sought to be made to that and still the committee has not relied upon it and simply overlooked it.

10. Be that as it may. So long as the validity certificate issued to Tushar and Sunil are not revoked and cancelled, the petitioner cannot be deprived of the benefit, however, subject to the usual terms and conditions.

11. The petition is partly allowed.

12. The impugned order is quashed and set aside.

13. The respondent – committees shall now issue validity certificate to the petitioner as expeditiously as possible and in any case within two weeks, which shall be subject to following conditions.

- a. The petitioner will not be entitled to claim any equities and his tribe claim and the benefits derived by him on that basis would stand revoked automatically if the validity certificate/s of all the relations are revoked or would stand cancelled in future.
- b. It would be imperative for the petitioner as well as his blood relations whose cases are opened or would be opened by the scrutiny committee to co-operate the scrutiny committee in early disposal of such re-opened cases.
- c. The scrutiny committee shall conclude the proceedings wherever they have decided to re-open the validities as expeditiously as possible and in any case within six months.

- d. Any lapse on their part noticed by this Court would be considered seriously and even this Court may revoke the conditional validity granted to the petitioner at any point of time.

[SHAILESH P. BRAHME]
JUDGE

[MANGESH S. PATIL]
JUDGE

arp/