

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 11743 OF 2023

Rohit Ramesh Choudhari
Age 19 years, Occ. Education,
R/o. At post Malegaon (K),
Tq. Nilanga Dist. Latur

... **Petitioner.**

VERSUS

1) The Schedule Tribe Certificate
Scrutiny Committee Kinwat
(having its Headquarter at
Aurangabad) through its Member
Secretary

2) State Common Entrance Test Cell,
Maharashtra, Mumbai
8th Floor, New Excelsior,
A.K. Nayak Marg, Fort, Mumbai
through its Commissioner &
Competent Authority

... **Respondents.**

...
Advocate for the Petitioner : Mr. Deshmukh Mahesh S.
A.G.P. for the Respondents/State : Mr. S.B. Yawalkar

...
AND

WRIT PETITION NO. 2665 OF 2022

Shubham Vankatrao Choudhari,
Age 25 years, Occ. Education,
R/o. At post Malegaon (K),
Tq. Nilanga Dist. Latur

... **Petitioner.**

VERSUS

1) The Schedule Tribe Certificate
Scrutiny Committee Kinwat Dist.
Nanded (having its Headquarter at
Aurangabad) through its Member
Secretary

2) Dayanand Arts College,
Latur, Dist. Latur
through its Principal

- 3) State Common Entrance Test Cell,
Maharashtra, Mumbai
8th Floor, New Excelsior,
A.K. Nayak Marg, Fort, Mumbai
through its Commissioner &
Competent Authority

... **Respondents.**

...
Advocate for the Petitioner : Mr. Phatale Sagar S.
A.G.P. for the Respondents/State : Mr. S.B. Yawalkar
Advocate for Respondent No. 2 : Mr. A.B. Dube
Advocate for Respondent No. 3 : Mr. M.D. Narwadkar
...

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

DATE : 20 SEPTEMBER 2023

ORDER (MANGESH S. PATIL, J.) :

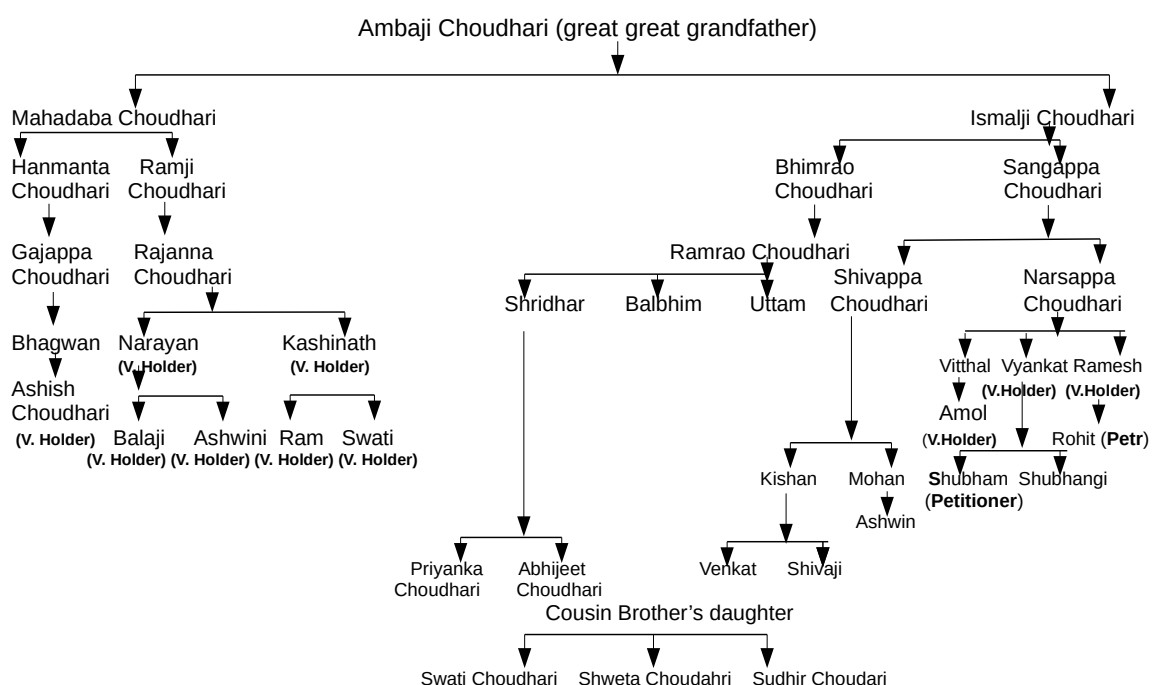
By way of these two separate writ petitions, the petitioners are challenging the separate orders passed by the scrutiny committee confiscating and cancelling their certificates of Rajgond scheduled tribe.

2. Though the impugned orders are separate, there is apparently no dispute about the fact that the petitioners are related by blood from paternal side and are first degree cousins. We are deciding both these matters by this common order to avoid rigmarole.

3. Though Shubham's petition (WP/2665/2022) has been pending for admission, Rohit's petition (WP/11743/2023) is a fresh petition. Issue notice in that petition. Learned AGP waives service for both the respondents.

4. Considering the fact that both these petitioners are seeking admission to the Health Science Courses through the NEET-UG-2023-24 and are in urgent need of decisions to secure admissions, with the consent of both the sides, both these matters are taken up for final disposal at once.

5. The petitioners are relying upon the identical genealogy which was even before the committee which is as follows :-



6. Having heard both the sides extensively, it is to be noted that there are several validities in the family, immediate as well as distant. More importantly, some of these validities have been granted by the orders of this Court. Shubhangi who is the real sister of petitioner - Shubham has been granted certificate of validity pursuant to the order of this Court in writ petition no. 7503 of 2018 dated 30.07.2018 (Principal Seat). It was granted subject to the outcome of

the proceedings for cancellation of validity issued to her blood relations.

7. The learned advocates for the petitioners, on instructions, submit that the petitioners would be satisfied if like Shubhangi they are directed to be issued conditional validities. They submit that they are ready to run the risk of facing the consequences as contemplated in the matter of ***Shweta Balaji Isankar Vs. State of Maharashtra and others (writ petition no. 6320 of 2017)***.

8. Having considered the rival submissions, when there are several validities in the family and now even if the committee has expressed its intention to undertake fresh scrutiny, the claims of the validity holders being relied upon by them, it is not the stand of the committee that those validity holders were granted certificate of validity without following due process of law. Therefore, following the decision in the matter of ***Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and others; 2023 SCC Online SC 326***, the petitioners also deserve to be granted the certificates of validity subject to the final outcome of the matters which the committee has decided to re-open.

9. In the result, the following order :-

I) The Writ Petitions are partly allowed.

II) The impugned orders are quashed and set aside. The respondent-scrutiny committee shall immediately issue certificates of validity to the petitioners of 'Rajgond' scheduled tribe. It shall be subject to the final outcome of the matters which the committee has decided to reopen.

III) The petitioners shall not be entitled to claim any equities.

[SHAILESH P. BRAHME]
JUDGE

[MANGESH S. PATIL]
JUDGE

10. Motion is made by the learned advocate for the petitioner in writ petition no. 11743 of 2023.

11. After we pronounced the order at around 3 p.m., it is now being informed by the learned advocate for the petitioner - Rohit Choudhari that due to some technical issues, the respondent-scrutiny committee has not been able to generate the certificate of validity. He submits that today 5 p.m. is the last moment till which time the petitioner is supposed to submit the certificate of validity.

12. In view of the above peculiar circumstances, even if the petitioner is unable to produce the certificate of validity in the prescribed proforma, operative part of this order shall be treated as sufficient compliance in lieu of the certificate of validity.

[SHAILESH P. BRAHME]
JUDGE

[MANGESH S. PATIL]
JUDGE

arp/