

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6695 OF 2023

Ankita d/o Ashok Irlod,
Age 18 years, Occ. Education,
R/o. Bothi, Tq. Umri, Dist. Nanded ... **Petitioner**

VERSUS

- 1) The State of Maharashtra
- 2) The Scheduled Tribe Caste Certificate
Verification Committee Kinwat,
Through its Dy. Director (R)
at Aurangabad

... **Respondents**

...
Advocate for the Petitioner : Mr. Sunil Mahadevappa Vibhute
A.G.P. for the Respondents/State : Mrs. M.A. Deshpande

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

DATE : **07.08.2023**

PER COURT :

Heard.

2. The petitioner is challenging the invalidity at the hands of the respondent No. 2-scrutiny committee discarding her claim as belonging to '*Mannervarlu*' scheduled tribe.

3. We have heard both the sides for a while. Without burdening this order by undertaking some scrutiny of the impugned orders suffice for the purpose to observe that the petitioner's cousin Shital Sahebrao has been granted a conditional validity in Writ Petition No. 9967/2018 by the order dated 30.08.2018, relying upon the validity of petitioner's real paternal uncle Sainath, subject to the out come of the matter of Sainath which the

then committee desired to reopen. We are informed that till date that enquiry has not reached a logical conclusion albeit notices have been issued to him.

4. Similarly, Rajashree Sahebrao who is another second degree cousin of petitioner has also been granted conditional validity by the order of this Court in Writ Petition No. 13566/2021 by the order dated 07.12.2021.

5. Considering the aforementioned circumstances, the petitioner cannot be deprived of the benefit of having atleast a conditional validity in view of the fact that she has appeared for NEET (UG) 2023 and is to take admission to a medical course.

6. The learned advocate for the petitioner also expressly mentions that the petitioner is ready to have a conditional validity and run the risk of getting it invalidated if and when the committee decides the matter of Sainath and if that goes against him.

7. We allow the writ petition partly. The impugned order is quashed and set aside. The committee shall immediately issue tribe validity certificate to the petitioner as belonging to '*Mannervarlu*' scheduled tribe, which shall be subject to the final outcome of the matter being reopened in respect of her paternal uncle Sainath.

8. The petitioner shall not be entitled to claim equities.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

mkd/-