

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

Writ Petition No. 8308 / 2022

Diksha d/o Vinayak Kogurwar,
 Age 26 years, Occu. Education,
 R/o. Madnapru, Tq. Mahur,
 Dist. Nanded.

...Petitioner

Versus

1. The State of Maharashtra,
 Through its Secretary,
 Medical Education and Drugs Department,
 Mantralaya, Mumbai.
2. The Scheduled Tribe Caste Certificate
 Verification Committee, Aurangabad,
 Through its Dy. Director (R),
 Aurangabad.
3. The Dean,
 Topiwala National Medical College Mumbai,
 BLY Nair Charitable Hospital Area,
 Dr. A. L. Nair Road, Mumbai.
4. The Registrar,
 Maharashtra University of Health,
 Sciences, Dindori Road, Mhasrul/
 Nashik, District-Nashik.
5. The Commissioner & Competent Authority,
 Commissioner of Common Entrance Test Cell,
 Government of Maharashtra,
 8th Floor, New Excelsior Building,
 A.K. Naik Marg, Fort, Mumbai.

...Respondents

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Mr. S. M. Vibhute, Advocate for the Petitioner
 Mr. S. G. Sangale, AGP for respondent no.1 and 2/State
 Mr. S. B. Patil, Advocate for respondent no.4
 Mr. M. D. Narwadkar, Advocate for respondent no.5

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**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.
DATE : 13 JULY, 2023.**

FINAL ORDER [PER : SHAILESH P. BRAHME, J.] :

. Heard both the sides for final disposal.

1. The petitioner is challenging judgment and order dated 13/07/2022 passed by the respondent no.2/Scrutiny Committee, invalidating her caste claim for scheduled tribe 'Mannervarlu', which is a common judgment in case of herself and her cousin brother.

2. The petitioner is relying upon the validity certificate of her real brother-Rahul, father-Vinayak besides other blood relatives. The genealogy, affidavit, report of vigilance enquiry and reply to the same are placed on record.

3. Per-contra the learned AGP supports the impugned judgment and order. It is pointed out that the Scrutiny Committee rightly held that the petitioner failed to prove her claim on the basis of school record of her relatives. There is no illegality in holding that the validity certificates are not reliable being procured by suppression of facts. It is further submitted that the affinity test was recorded against her.

4. We notice that the relationship between the petitioner and the validity holders is not disputed. Real brother of the petitioner, Rahul, her father - Vinayak were issued with validity certificates. Rituja Ramesh Kogurwar was also issued validity certificate in pursuance of the order passed by the High Court on 03.08.2018 in

Writ Petition No.8939/2018. Rituja happens to be close relatives of the petitioner.

5. We find that the case is made out by the petitioner to accept the validity certificates of the blood relatives. In view of the judgment in case of **Maharashtra Adavasi Thakur Jamat Swarakshak Samiti vs. State of Maharashtra & others** reported in 2023(2) Mh.L.J.785, we have to rely upon the validity certificate of father, brother and other relatives.

6. We hold that the Scrutiny Committee committed serious error in rejecting the caste claim. The same needs to be interfered with.

7. We therefore allow this petition partly by quashing and setting aside the judgment and order dated 13/07/2022 passed by the Scrutiny Committee and direct the Scrutiny Committee to issue validity certificate of scheduled tribe 'Mannervarlu' within a period of two weeks, subject to the outcome of the revocation/cancellation proceedings of validity certificates of the close relatives of the petitioner as proposed by the Scrutiny Committee.

8. The petitioner shall not claim any equity and shall cooperate with the Scrutiny Committee.

9. With this, the writ petition is disposed of.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]