

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY BENCH
AT AURANGABAD**

WRIT PETITION NO. 9203 OF 2023

Shriyash s/o Sanju Gaikwad
Age : 24 years, Occu : Education,
R/o Aurangabad,
Tq. & Dist. Aurangabad. .. Petitioner

Versus

1. Scheduled Tribe Certificate Scrutiny
Committee Aurangabad Division,
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. .. Respondents

Shri Umesh Gite, Advocate h/f Shri Mahesh S. Deshmukh,
Advocate for the Petitioner.
Shri A. S. Shinde, A.G.P. for the Respondent No. 1.

**CORAM : MANGESH S. PATIL AND
SHAILESH P. BRAHME, JJ.
DATE : 08 AUGUST 2023.**

FINAL ORDER :

. Heard both the sides.

2. The petitioner is challenging invalidation at the hands of the respondent No. 1/Scrutiny Committee whereby his tribe certificate as belonging to 'Thakur' (Scheduled Tribe) has been

confiscated and cancelled under Section 07(1) of the Maharashtra Scheduled Castes, Scheduled Tribes, De-Notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000.

3. During the course of argument, it transpires that, the petitioner's matter as also his sister Prachi's matter was decided by the Committee on the same day but by separate orders. Prachi had challenged that invalidation before this Court in Writ Petition No. 8139 of 2020. By an order dated 06 December 2021 after noticing that her father and two cousins from the paternal side were already granted validity certificates and by applying principle laid down in the matter of **Apurva d/o Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No. 1, Nagpur** reported in ***2010(6) Mh.L.J. 401*** order of the Committee was quashed and set aside and she was directed to be issued validity subject to outcome of enquiry initiated in the case of several validity holders being relied upon.

4. The petitioner being the real brother of Prachi for the reasons assigned by this Court in the matter of Prachi, we allow this writ petition partly and pass following order.

ORDER

A. The writ petition is partly allowed.

B. The impugned order dated 10.11.2020 passed by the respondent No. 1/Committee is quashed and set aside. The Scrutiny Committee shall issue tribe validity certificate to the petitioner as belonging to 'Thakur' (Scheduled Tribe) by tomorrow.

C. The certificate of validity shall be subject to the decision/outcome in the matters to be reopened by the Committee of the validity holders.

D. The certificate of validity shall be issued strictly in the prescribed format without incorporating other conditions/additions.

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

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

bsb/Aug. 23