

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

WRIT PETITION NO. 9329 OF 2023

Mahesh Govind Parchande
Age 19 years, Occ. Student,
R/o. Telangwadi, Tq. Kandhar,
Dist. Nanded

... **Petitioner**

VERSUS

- 1) The State of Maharashtra
- 2) The Scheduled Tribe Certificate
Scrutiny Committee Kinwat, Headquarter
Aurangabad, through its Deputy
Director (R)

... **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 both the sides finally at the stage of admission in view of the urgency being demonstrated inasmuch as the petitioner has already appeared for NEET (UG) 2023 and is aspiring to get admission through the current admission process.

2. The petitioner's real sister Vaishnavi has been granted a conditional validity by this Court by the order in Writ Petition No. 7747/2020 passed on 17.11.2020, having noticed that the petitioner's father was also a validity holder. Besides, this Court had also noticed that the petitioner's paternal uncle Nagnath was also issued with a validity certificate and the committee was intending to reopen the cases of the validity holders.

3. Without going into any other aspect, suffice for the purpose to observe that so long as the validities granted to the petitioner's father and paternal cousin uncle are not confiscated and cancelled by following due process of law as required by Section 7(1) of the Maharashtra Act XXIII of 2001, the petitioner cannot be deprived of the benefit which even his sister was granted.
4. The writ petition is partly allowed. 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 decision to be taken by the committee in the reopened matters.
5. The petitioner shall not be entitled to claim equities.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

mkd/-