

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

WRIT PETITION NO. 9661 OF 2023

OMESH DILIP BODHGIRE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

....
Advocate for Petitioner : Mr. Chandrakant R. Thorat
AGP for Respondent Nos. 1 & 2 : Mr. S.G. Sangle
....

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

DATED : 04 AUGUST, 2023

PER COURT (PER : SHAILESH P. BRAHME, J) :

1. This matter is not on board but taken on board at the request of learned counsel for the petitioner, as there is pressing urgency disclosed by the petitioner. The petitioner has secured admission for the graduation.

2. The petitioner is challenging impugned judgment and order dated 02.08.2023, invalidating his caste certificate of 'Mannervarlu' scheduled tribe. The petitioners are relying upon validity certificates of near about 36 validity holders. Many of them were issued validity certificate by the intervention of the High Court. The petitioner is relying upon the genealogy, orders of the High Court and extracts of the school record to support his claim.

3. Learned AGP supports impugned judgment and order. He would submit that the validity certificates are not reliable. There is suppression of material facts. No case is made out to interfere in the impugned judgment and order.

4. The petitioner has placed on record the genealogy of the blood relatives from page no. 74 to 78. The branchwise genealogy depicts 36 validity holders which is an exceptional circumstance. The Committee was already disclosed the details of 36 validity holders.

5. Pertinently, following validity certificates were issued by the orders of the High Court to the blood relatives of the petitioner :

Sr. Nos.	Names	Writ Petition Nos.	Order Dates	Page Nos.
1.	Ganesh Sudhakar Bodhgire	9056 of 2019	21.08.2019	79
2.	Sanjivani Sudhakar Bodhgire	9183 of 2019	04.11.2020	85
3.	Rohini Sudhakar Bodhgire	9123 of 2019	26.10.2021	92
4.	Tejas Balaji Bodhgire	2046 of 2021	02.02.2021	95
5.	Ajit Uttamrao Bodhgire	2059 of 2021	02.02.2021	98
6.	Subhash Kondiba Bodhgire	2233 of 2022	18.02.2022	100
7.	Sudhakar Anandrao Bodhgire and Others	9163 of 2019 and connected matters	21.12.2022	102
8.	Ankur Ramesh Bodhgire	12835 of 2021	24.11.2021	129

6. The submissions of learned AGP regarding the contrary

entries and manipulation of the record cannot be considered for time being. The Committee has adopted a course for re-verification. The Committee can consider the objections during the course of re-verification.

7. We find that present is an exceptional case. In the wake of above judicial orders, the petitioner deserves to be issued conditional validity certificate. We pass following order :

ORDER

- i. The Writ Petition is partly allowed.
- ii. The impugned order is quashed and set aside. The Scrutiny Committee shall issue tribe validity certificate to the petitioner of 'Mannervarlu' (Scheduled Tribe).
- iii. This validity shall be subject to the decision to be taken by the Scrutiny Committee in the reopened matters.
- iv. The petitioner shall not be entitled to claim equities.
- v. The learned A. G. P. is requested to communicate this order immediately to the Scrutiny Committee, since tomorrow is the last date for uploading the documents in

the NEET-PG-23 admission process.

vi. We are informed that out of three members of the Committee only two members are working as the third member has been promoted. Therefore, in view of such contingency, we direct the Committee to issue a validity certificate with the signatures of the two members who are available.

vii. Parties to act on authenticated copy of this order.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

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