

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9912 OF 2023

Khan Sadeque S/o Khan Jawwad Ahmed

... 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.

... Respondents

**WITH
CIVIL APPLICATION STAMP NO. 25049 OF 2023 IN
WRIT PETITION NO. 9912 OF 2023**

Organization for the Rights of the Tribals
Branch at Aurangabad.

... Applicant

Versus

1. Khan Sadeque Khan Jawwad Ahmed
2. The State of Maharashtra,
Through its Secretary

... Respondents

...

Advocate for Petitioner : Mr. Sunil M. Vibhute
AGP for Respondents/State : Mr. S. G. Sangale
Advocate for the Applicant in CA : Mr. S.N. Lale Yelwatkar

...

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

DATE : 10 AUGUST 2023.

ORDER (MANGESH S. PATIL, J.) :

Heard both the sides finally in view of the urgency inasmuch as the petitioner has participated in NEET-PG-2023 and has to submit the documents to the college / institution.

2. The petitioner is challenging the order passed by the respondent - scrutiny committee invalidating her claim as belonging to Tadvi scheduled tribe.

3. We have heard both the sides extensively and perused the record.

4. It is necessary to note that there is no doubt about the genealogy (**page 47**). The petitioner's father is possessed with a validity certificate besides his first degree cousin Farheen Javed, Amer Jaweed and Albeena Jaweed and one Fakeha Kausar Jaleel Ahmed paternal aunts - Sadiya Kausar and Aliya Kausar all have certificates of validity.

5. Pertinently, Albeena and Fakeha Kausar have been granted the validity certificate by the order of this Court in writ petition nos. 4612 of 2023 and 4633 of 2023, by the order dated 25-04-2023. This Court had considered the matter in detail and in view of the decisions in the matters of ***Apoorva D/o Vinay Nichale Vs. Divisional***

Caste Certificate Scrutiny Committee no. 1 and others; 2010 (6) Mh.L.J. 401 and Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and others; 2023 SCC Online SC 326, directed the certificates of validity to be issued to both of them.

6. The learned advocate for the petitioner submits that he is ready to run the risk of getting his certificate of validity cancelled depending upon the decision to be taken by the committee in the matters which it has intended to re-open in respect of the validity holders as was done in the matter of Albeena and Fakeha Kausar.

7. Needless to state that in the light of the observations in the matter of **Shweta Balaji Isankar Vs. State of Maharashtra and others** (writ petition no. 5611 of 2018) if all the validity holders suffer invalidation, the petitioner would face the same consequence. We follow the same course.

8. Hence, the following order :-

ORDER

(i) The writ petition is partly allowed.

(ii) The impugned order dated 04.08.2023 passed by the respondent no.2/Scrutiny Committee is quashed and set aside.

- (iii) The Committee shall immediately issue tribe validity certificate to the petitioner as belonging to 'Tadvi' scheduled tribe, which shall be subject to the final decision to be taken by the Committee in the reopened matters.
- (iv) The certificate of validity shall be issued in the prescribed format without incorporating any other conditions/additions.
- (v) The petitioner shall not be entitled to claim equities.
- (vi) Pending application for intervention is disposed of.

[SHAILESH P. BRAHME]
JUDGE

[MANGESH S. PATIL]
JUDGE

arp/