

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

WRIT PETITION NO. 11899 OF 2021

Rutuja d/o Nagnath Tummod,
Age 19 years, Occ. Student,
R/o. Near Gandhi Chowk, Biloli,
Tq. Biloli, Dist. Nanded.

... **Petitioner**

VERSUS

- 1) The State of Maharashtra,
Through Principal Secretary,
Medical Education and Drugs
Department, Mantralaya Mumbai-32.
- 2) The Commissioner & Competent Authority,
Government of Maharashtra,
State Common Entrance Test Cell,
8th Floor, New Excelsior Building,
A.K. Nayak Marg, Fort
Mumbai- 400 001.
- 3) Scheduled Tribe Certificate
Verification Committee,
Near Saint Lawrence High School
Town Centre, CIDCO, Aurangabad,
Dist. Aurangabad
Through its Deputy Director (Research)
and Member Secretary.

... **Respondents**

...

Advocate for the Petitioner : Mr. Thorat Chandrakant R.
A.G.P. for the Respondent Nos. 1 & 3 : Mr. A.A. Jagatkar
Advocate for Respondent No. 2 : Mr. M.D. Narwadkar

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

DATE : **12.09.2023**

PER COURT :

Heard both the sides.

2. The petitioner is challenging the order of invalidation passed by the respondent-scrutiny committee confiscating and cancelling her certificate of '*Mannervarlu*' scheduled tribe.

3. After hearing both the sides it transpires that infact it was a common order passed in the matters of petitioner, her brother Rohit and one Gangamani Kishtayya Tummod. In Writ Petition No. 11957/2021 Rohit had put up a challenge to the same judgment and order of the Scrutiny Committee. After considering all the aspects, by way of a common judgment and order dated 21.06.2023 his writ petition as also the writ petitions of some of his blood relations Rushikesh Vittalrao Tummod, Kishor Vittalrao Tummod were allowed. The same order which is under challenge in this writ petition was quashed aside and Rohit was directed to be issued a certificate of validity relying upon several validities in the family and for the reasons recorded therein. However, his validity was made subject to the final outcome of the reverification which the committee has decided to undertake.

4. Since the impugned order is a common order, when we had an occasion and has quashed and set it aside qua one of the three individuals namely Rohit Nagnath Tummod, we cannot take any independent decision much less contrary one.

5. For the self-same reasons as we have assigned in the matter of Rohit, we allow the writ petition partly, quash and set aside the order passed by the respondent-scrutiny committee even to the extent of petitioner Rutuja Nagnath Tummod. The respondent-scrutiny committee shall issue a certificate of validity to her. It shall be subject to the final outcome of the decision to be taken by the committee in the matters which it had decided to reopen.

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

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

mkd/-