

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

WRIT PETITION NO. 11276 OF 2023

**DHANSHREE PANDURNG DHONDGE THROUGH FATHER PANDURANG
PRALHAD DHONDGE**

VERSUS

**SCHEDULE TRIBE CERTIFICATE SCRUTINY COMMITTEE THROUGH ITS
MEMBER SECRETARY AND ANOTHER**

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Advocate for Petitioners : Mr. Phatale Sagar S

AGP for Respondent No.1 : Mr. A.S. Shinde

Advocate for Respondent No. 2 and 3 : Mr. K.P. Rodge h/f Mr. P.G. Rodge

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

DATE : 11 SEPTEMBER 2023

PER COURT :

Heard.

1. Leave granted to add the 'College of Veterinary and Animal Sciences Udgir, Dist. Latur' as a Respondent No.3. Amendment to be carried out forthwith.
2. We have heard the learned Advocate for the petitioner, learned AGP and the learned Advocate for Respondent No.2 and 3.
3. The petitioner's caste claim was invalidated by the respondent

no.1/Scrutiny Committee. She had challenged the order before this Court in Writ Petition No.12954/2022. By the order dated 02.08.2023, we had quashed and set aside the order of Scrutiny Committee and directed to issue certificate of validity to her. Its validity was made subject to the final outcome of the matters which the Committee had decided to reopen in respect of validity holders.

4. It appears that pursuant to the direction, the respondent no.1/Scrutiny Committee issued a certificate of validity, however with a title 'CONDITIONAL VALIDITY' bearing serial no. 146454.

5. Since the petitioner was admitted to the respondent no.3/College and was supposed to submit the certificate of validity to confirm her admission before 17.08.2023, in spite of she having submitted the certificate of validity in time, the College has cancelled her admission and communicated decision to her on 07.09.2023 mentioning therein that the certificate of validity produced by her being a conditional validity could not be legally accepted.

6. We had in Writ Petition No.12954/2022 declared the petitioner entitled to have a certificate of validity. 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 contemplates a certificate of validity to be issued strictly in Form – G.

This form does not contemplate any addition or a condition as has been put by the respondent no.1/Scrutiny Committee. Though we had declared the petitioner entitled to have a certificate of validity and the certificate was made subject to a condition that its validity would depend upon the final outcome of the matters which the Committee had intended to reopen, we had not directed the Committee to put any condition on the certificate of the validity. The right to have a certificate was qualified and not the validity certificate itself.

7. We allow the writ petition, quash and set aside the order passed by the respondent no.3/College, cancelling the petitioner's admission.

8. The College shall restore the admission on the same certificate of validity at serial no.146454. Simultaneously the respondent no.1/Committee shall issue a fresh certificate of validity to the petitioner without incorporating any condition. Till the time, certificate of validity in possession of the petitioner pursuant to the order of this Court shall be treated as a certificate of validity for all practical purposes.

9. Parties to act upon the authenticated copy of this order.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]