

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

WRIT PETITION NO. 11076 OF 2022

Lakshman Sureshrao Chintalwad,
Age : 18 years, Occ. Student,
R/o. Ravangaon, Tq. Mukhed,
Dist. Nanded.

Versus

1. The State of Maharashtra,
Through its Secretary,
Tribal Development,
Mantralaya, Mumbai.
2. The Scheduled Tribe Certificate Scrutiny
Committee, Kinvat,
Head Quarter, Aurangabad,
Through its Deputy Director (R).
3. The Commissioner &
Competent Authority,
State CET Cell, Maharashtra State,
Mumbai.
(Controller of Admission Process).

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Advocate for Petitioners : Mr. Jadhavar Pratap V.
AGP for Respondent No.1 and 2/State : Mr. A. S. Shinde

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

DATE : 25 JULY 2023.

PER COURT :

. Heard the learned Advocate for the petitioners and learned AGP

2. The petitioner is challenging the order dated 20.10.2022 passed by the respondent no.2/Scrutiny Committee, invalidating his tribe claim as belonging to 'Koli Malhar scheduled tribe'.

3. We have heard the submissions of both the sides. During the course of submissions, it transpires that the petitioner's real sister namely Swamini Chintalwad, was directed to be issued validity certificate by the order dated 08.02.2021 in Writ Petition No.2434/2021. Pertinently, she was granted validity on the basis of another order of this Court in Writ Petition No.9203/2019 dated 21.08.2019 in the matter of one Hindavi Shivaji Chintalwad stated to be the petitioner's first degree cousin. Obviously, the validity certificate was directed to be issued to Swamini subject to the decision to be taken by the Committee in the proceeding which it had intended to reopen of the validity holders.

4. Considering the fact that the petitioner is aspiring to pursue Under Graduate Medical Education, we feel it appropriate that he is granted the similar benefit of conditional validity.

5. The writ petition is partly allowed. The impugned order is quashed and set aside.

6. The respondent no.2/Scrutiny Committee shall immediately issue

tribe validity certificate of 'Koli Malhar scheduled tribe' to the petitioner. Such validity certificate shall be subject to the outcome of the reopened validities.

7. The petitioner shall not claim any equities.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

Najeeb...