

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

WRIT PETITION NO. 7631 OF 2021

Mahesh S/o Bramhanand Kanthewad ... 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
- 3] The Dean,
B.J. Government Medical College,
Jaiprakash Narayan Road,
Near Pune Railway Station,
Pune, Dist. Pune
- 4] The Registrar,
Maharashtra University of Health Sciences,
Nashik, Dist. Nashik ... Respondents

...
Advocate for the Petitioner : Mr. S.M. Vibhute
A.G.P. for the Respondents/State : Mr. S.G. Sangale
Advocate for respondent no. 4 : Mr. S.S. Patil

...
AND

WRIT PETITION NO. 14097 OF 2021

Riddhi D/o Balaji Kanthewad ... Petitioner

VERSUS

- 1] The State of Maharashtra,
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai – 32.
- 2] The Scheduled Tribe Certificate
Verification Committee Aurangabad,
Through its Member Secretary,
Aurangabad

3] Dean,
N.K.P. Salave Institute of Medical
Science and Lata Mangeshkar Hospital
Nagpur, Dist. Nanded

4] Registrar
Maharashtra University of Health Sciences,
Mhasrul, Vani Dindori Road,
Nashik – 422 004.

... Respondents

...
Advocate for the Petitioner : Mr. O.B. Boinwad
A.G.P. for the Respondents/State : Mr. S.G. Sangale
Advocate for respondent no. 3 : Mr. S.V. Dixit
Advocate for respondent no. 4 : Ms. Vaishali S. Choudhari
...

**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**
DATE : 09.08.2023

ORAL ORDER (MANGESH S. PATIL, J.):

Heard both the sides finally in both the matters.

2. There is no dispute about the fact that both the petitioners are from the same genealogy and related by blood from the paternal side. Suffice for the purpose to observe that, by our order dated 11-07-2023 in writ petition no. 14131 of 2021, we have granted validity to Riddhi's real sister Siddhi Balaji Kanthewad. Being the real sister, irrespective of anything else, on the sole ground that Siddhi has been granted validity by the order passed by this Court even Riddhi would be entitled to the same relief, obviously subject to the final outcome of the matters which the committee intended to re-open.

3. Going by the genealogy, petitioner – Mahesh is also the relative of Riddhi and Siddhi from the paternal side. Apart from these two, there are several other validity holders in the family i.e. three sons of Ganpati, namely, Pandharinath, Balaji and Maroti. Balaji is incidentally father of Riddhi and Siddhi. Pandharinath's daughter – Shital and his son Amitkumar

have been issued with the validity certificate. Mahesh's great grandfather Jaywant Vithoba is the real brother of Ganpati Vithoba who is the grandfather of Riddhi and Siddhi. In view of such state-of-affairs, even he will be entitled to have validity.

4. Learned advocate for the respondent no. 3 – college in Riddhi's matter, submits that now that she will be getting a validity certificate, she must furnish an undertaking that she would reimburse the college from out of the scholarship to be received by her.

5. Learned advocate for Riddhi submits that she would furnish such an undertaking to this Court within two weeks.

6. Hence, the following order :-

ORDER

I) Both the writ petitions are partly allowed. The impugned orders are quashed and set aside. The respondent - committee shall immediately issue tribe validity certificates to both the petitioners as belonging to '*Mannervarlu*' scheduled tribe in the prescribed format without adding anything. The validities shall be subject to the final outcome of the matters which the committee intends to re-open.

II) The petitioners shall not be entitled to claim equities.

III) Petitioner – Riddhi Balaji Kanthewad in writ petition no. 14097 of 2021 shall furnish an undertaking in this Court within two weeks that she would reimburse the fees to the respondent no. 3 -college if and when she receives the scholarship in her account. Respondent no. 3 – college shall immediately return all the original documents and issue necessary certificates to her.

(SHAILESH P. BRAHME, J.)

arp/-

(MANGESH S. PATIL, J.)