

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.12047 OF 2023

Tanmay Prasad Gaikwad,

Aged 18 years, Occ. Student,

residing at Post Bhivandi,

Tal. Purandar, Dist. Pune.

....Petitioner

Vs.

1. State of Maharashtra through its Secretary,

Tribal Development Dept.

Mantralaya, Mumbai – 400 032.

2. Scheduled Tribe Certificate

Security Committee, Pune Division,

Through its Member Secretary,

having its Office at Kapil Towers,

C Wing, Near RTO,

Pune – 411 001.

3. Commissioner and Competent Authority,

State CET CELL, having its Office at

8th Floor, New Excelsior Building,

A.K. Nayak Road, Fort,

Mumbai – 400 001.

....Respondents

- Mr. R.K. Mendadkar, for the Petitioner.
- Ms Kavita N. Solunke, for Respondent No.3-CET.
- Ms. S.S. Bhende, AGP for the Respondent-State.

CORAM : SUNIL B. SHUKRE &
FIRDOSH P. POONIWALLA, JJ

DATE : 29th SEPTEMBER, 2023

ORAL JUDGMENT : {Per : Sunil B. Shukre, J.}

1. Heard.

2. **RULE.** Rule is made returnable forthwith, by consent of learned counsel for the parties.

3. It is seen that there is already a validity certificate granted to the father of the petitioner showing that father of the petitioner is a Scheduled Tribe "Thakar". It is the contention of learned counsel for the petitioner that this validity certificate issued to the father of the petitioner was based upon vigilance enquiry report. Therefore, he submits that now there is no reason for the Scrutiny Committee to not grant any validity certificate to the petitioner. He places reliance upon the law laid down in this regard in the case of *District Collector, Satara & Anr. Vs. Mangesh Nivrutti Kashid, reported in (2009) 10 SCC 166*.

4. We, however, find that the Scrutiny Committee is yet to take any decision in the matter. The petitioner is a student whose admission to B.Arch. Degree Course is at stake on account of his inability to produce before Respondent No.3 the original validity certificate. It is, therefore, necessary that Respondent No.2-Committee decides the claim of the petitioner as early as possible. Accordingly, we direct Respondent

No.2-Scrutiny Committee to decide the tribe claim of the petitioner in accordance with law as expeditiously as possible and preferably within a period of two weeks from the date of receipt of writ of this Court by taking into consideration the validity certificate issued to the father of the petitioner, which according to learned counsel for the petitioner, is already produced before the Scrutiny Committee and also the above stated law and other relevant material.

5. We direct that admission of the petitioner to B.Arch.Degree Course shall be subject to his producing tribe validity certificate.

6. Rule is made absolute in the above terms.

7. Petition is disposed of accordingly. No costs.

[FIRDOSH P. POONIWALLA, J.]

[SUNIL B. SHUKRE, J.]