



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

904 WRIT PETITION NO. 9725 OF 2024

KALIDAS VITHALRAO KANDHARKAR

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Petitioner : Mr. Jadhavar Pratap V.

AGP for Respondents : Mrs. P.J. Bharad

...

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

DATE : 05 SEPTEMBER 2024

PER COURT :

Heard both the sides.

2. The petitioner is challenging the order of invalidation.
3. We have heard both the sides finally, being an urgent matter, today being the last date for the petitioner to secure the admission.
4. Though several other things have been argued and demonstrated and even if the Committee while passing the impugned order seems to have endeavored to justify its conclusion, it would suffice to observe that admittedly petitioner's real sister Rutika Vitthalrao Kandharkar was held entitled to have a

certificate of validity by the order of this Court passed in Writ Petition No. 7620/2018 on 24 July 2018. Similar was the stand of the Committee even then, alleging that the validity holders had played fraud on the Committees while obtaining the validities and had even expressed its intention to undertake a review / re-scrutiny. Rutika was held to be entitled to have a certificate of validity subject to the final outcome of such matter which the Committee had decided to be reopened.

5. Learned AGP today informs that till date no notices have been issued to the validity holders or even if those are issued, there has been no final decision.

6. If the Committee has been unable to take its inference to the logical end even for last six years, the petitioner cannot be deprived from the benefit. She also deserves to be treated alike.

We, therefore pass following order :

ORDER

- i. The writ petition is allowed partly.
- ii. The impugned judgment and order dated 04.09.2024 passed by respondent no. 2 / Scrutiny Committee is quashed and set aside.

- iii. Since the petitioner is required to submit the certificate of validity to secure the admission today itself and has been allotted a college at Pune, the respondent no. 2 – Scrutiny Committee shall immediately issue the certificate of validity to the petitioner as belonging to ‘Koli Mahadev’ scheduled tribe in the prescribed proforma.
- iv. The validity shall be co-terminus with the validity of the earlier holders.
- v. The petitioner shall not claim equity.
- vi. Learned AGP and the Law Officer of the Committee who are present, shall ensure that the decision is immediately communicated to the Committee.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]