



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 6048 OF 2024

(Aditi Sandip Jadhav vs. Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati
and others)

*Office Notes, Office Memorandum of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Mr.S.M.Vaishnav, Advocate for the petitioner.

Mr.H.D.Marathe, Assistant Government Pleader for the respondent
Nos.1 and 2.

CORAM : BHARATI DANGRE AND ABHAY J. MANTRI, JJ.

DATE : OCTOBER 09, 2024

1) The petitioner who claim to be belonging to 'Gond', Scheduled Tribe obtained the caste certificate from the Sub-Divisional officer, Balapur, which was forwarded for verification to the respondent No.1 Scheduled Tribe Caste Certificate Scrutiny Committee,Amravati(hereinafter referred to as 'the Committee').

2) The claim of the petitioner was invalidated by the Committee and hence, she approached this Court by instituting Writ petition No.4801/2024, which was partly allowed on 03/09/2024 by setting aside the impugned order dated 21/07/2024 and remanding the matter back to the Committee for fresh decision by offering an opportunity to hear the petitioner.

In addition, the Committee was directed to decide the claim of the petitioner within a period of four months from the date of appearance of the petitioner i.e. 23/09/2024.

As a result of this order, the proceedings are pending before the respondent No.1 Committee for verification.

3) In the disposed off petition, the petitioner took out Civil Application (W) No.2678/2024, seeking a direction to decide the claim within a period of seven days and on 08/10/2024, we rejected the application as we were informed that the proceedings are at the stage of Vigilance and we specifically expressed that asking the Committee to decide it hurriedly would not be in the interest of the petitioner.

4) The petitioner participated in the NEET (UG) 2024, staking her claim on the basis of her caste certificate of 'Gond', she was allotted seat in Rajeev Gandhi Medical College, Thane in CAP 1 round on 31/08/2024, whereas in the CAP 2 round, on 01/10/2024 she is allotted a seat reserved for Scheduled Tribe(Woman) in Government Medical College, Akola.

The difficulty faced by the petitioner as on today, is though she is offered a seat in the Medical College and it was expected of her, as per the notice No.11 NEET (UG) – 2024 published by the State Common Entrance Test Cell, Maharashtra on 16/09/2024, to physically join and file status retention form between 01/10/2024 to 04/10/2024, though she reported to the College, since she was not armed with validity certificate, she was turned around, with a consequence that she was unable to confirm her provisional admission, allotted to her in CAP 2 round.

5) The limited grievance of the petitioner before us is, that it is in terms of the order passed by this Court, while setting aside the order of invalidation passed by the Scrutiny Committee i.e. respondent No.1 on 31/07/2024, the matter had been remanded to the Committee for fresh decision and a timeline is prescribed for the Committee to take decision upon her claim and the Committee is in the process of verifying her claim of

belonging to Scheduled Tribe category. However, in absence of the validity certificate, she may lose her admission allotted to her in CAP 2 round.

6) On the urgency being expressed, we permitted the petition to be circulated at 2.30p.m. and directed the Assistant Government Pleader representing the respondents to ascertain, whether the seat belonging to Scheduled Tribe (W) in the said College has been filled in, as we have noted that the CAP 3 round of NEET (UG) 2024 is to commence from today.

The learned Assistant Government Pleader Mr.Marathe, upon establishing telephonic conversation with the Dean of the respondent No.2 College has instructions to make a statement that the seat of Scheduled Tribe(W) in the respondent No.2 College is still vacant.

7) Since the petitioner find herself in a precarious situation, as on invalidation of her caste claim, the matter has been remanded back for fresh consideration and the process is under way, subject to the outcome of the decision of the Scheduled Tribe Scrutiny Committee, Amravati, in respect of validation of her caste certificate of 'Gond' Scheduled Tribe, we deem it appropriate to direct that she shall be provisionally admitted in the seat allotted to her by the provisional selection letter (CAP 2 round) on 01/10/2024 by exempting her from the condition of production of the caste validity certificate in original. We find no fault of the petitioner in landing in such a situation.

It is however, made clear that in case, if her claim is invalidated upon scrutiny, she shall claim no equity and shall be liable to vacate the said seat.

8) We once again direct the respondent No.1 Committee to decide the claim of the petitioner, as per our earlier order dated 03/09/2024 within four months.

Upon Decision of the Committee, the respondent No.2, shall take appropriate steps.

9) Let the aforesaid order communicated to respondent No.2, through the learned Assistant Government Pleader and the respondent No.2 shall take appropriate steps to ensure that she is provisionally admitted on the seat reserved for Scheduled Tribe (W), forthwith.

With the aforesaid direction, the petition is disposed off.

(ABHAY J. MANTRI, J.)

(BHARATI DANGRE, J.)