



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

**WRIT PETITION NO.7058 OF 2022 WITH
CIVIL APPLICATION NO.5511/2025**

Shaikh Sohail Shaikh Ismail & anr. ... **PETITIONERS**

VERSUS

The State of Maharashtra & ors. ... **RESPONDENTS**

.....
Mr. Sagar S. Phatale, Advocate for Petitioners
Mrs. P.J. Bharad, A.G.P. for State
Mr. V.S. Kadam, Advocate for Respondent No.3
.....

**CORAM : R.G. AVACHAT AND
NEERAJ P. DHOTE, JJ.**

DATE : 2nd JULY, 2025

ORDER :

Civil Application No.5511/2025 is allowed in terms of prayer clause (A). Amendment to be carried out within two weeks.

2. The Petitioner No.1, who was a student of the Respondent No.3 College, was admitted on the seat reserved for Scheduled Tribe category. The Petitioner No.2 was also student with the Respondent No.4 College and was admitted

on the seat reserved for Scheduled Tribe category. The claim of the Petitioners belonging to 'Naikada' Scheduled Tribe was referred to the Respondent No.2 Scrutiny Committee, which came to be invalidated by the impugned order dated 14/12/2021, which is at Exhibit E (Page 68 of the Petition). On 27/7/2022, this Court has protected the admissions of the Petitioners on the basis of affidavit tendered by them that they will not claim any benefit for the said Scheduled Tribe category until the Petition is decided.

3. The Petitioners have filed Civil Application No.5511/2025 for amendment to the Petition for bringing on record the old record to support their claim. According to learned Advocate for the Petitioners, the said documents are of pre-independence period, which shows that, the great grandfather's entry in the relevant record was 'Naikada'. It is submitted by learned Advocate for the Petitioners that, these documents were not available with the Petitioners nor they were part and parcel of the proceedings before the Respondent No.2 Scrutiny Committee, and prayed for remand of the matter.

4. Learned A.G.P. appearing for Respondents No.1

and 2 opposes the request of the Petitioners. He submits that, the documents before the Committee shows that, the entries of 1949, 1950, 1956 and 1982 were interpolated and, therefore, the Committee has rightly invalidated the Petitioners' claim. However, he fairly admits that, the documents which the Petitioners want to bring on record were not before the Respondent No.2 Scrutiny Committee.

5. In the backdrop of the above aspects, and when the old record which is now secured by the Petitioners from proper custody, were not before the Committee, which according to the Petitioners support their claim, we are inclined to remand the matter to the Respondent No.2 Committee to decide the same in accordance with law after giving opportunity to the Petitioners and after conducting appropriate vigilance enquiry, if required. Hence the order :

ORDER

- (i) The Writ Petition is partly allowed.
- (ii) The impugned order passed by the Respondent No.2 Scrutiny Committee is set aside.

(iii) The matter is remanded to the Respondent No.2 Scrutiny Committee for fresh consideration. The Respondent No.2 shall give opportunity to the Petitioners and after considering all the documents and conducting appropriate enquiry, if desired, pass appropriate orders in accordance with law. The Respondent No.2 Committee shall decide the claim of the Petitioners at the earliest.

(NEERAJ P. DHOTE, J.)

(R.G. AVACHAT, J.)

fmp/-