



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7208 OF 2025

BHUMIKA SATISH SHIRSATH
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for the Petitioner : Mr. S. C. Yeramwar
Addl. GP for Respondents-State : Mr. M. M. Nerlikar
...

CORAM : RAVINDRA V. GHUGE AND
Y. G. KHOBRAGADE, JJ.

Dated : June 17, 2025

PER COURT :-

1. The Petitioner claims to be belonging to the Tokre Koli Scheduled Tribe category. It is stated that she has been allotted the College (N.I.T. Nagpur) on the basis of her claim of belonging to the Scheduled Tribe category.

2. It is canvassed that the Petitioner's father has a Validity Certificate of Hindu Tokre Koli Scheduled Tribe (date not legible) issued by the Committee for Scrutiny and Verification of Tribe Claims Maharashtra State, Nashik, Tribal Research and Training Institute, Maharashtra State.

3. We have perused the photo-stat copy of the Certificate of Validity of the Petitioner's father. Strangely, it has a 12 digits number and the date is not legible. The original document is not available with the Petitioner. Her said father is said to have passed away when she was 12 years of age. She is presently 19 years of age.

4. The learned AGP submits that prior to the introduction of The Maharashtra Scheduled Castes, Scheduled Tribes, De-Notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000, a Vigilance Cell Inquiry was not conducted. He further submits that the office does not have the record of the proposal of the father of the Petitioner. No record is available with the office to indicate that a Validity Certificate was issued by the Nashik Committee to the father of the Petitioner.

5. The Petitioner submits that no other closely related member of the family from the paternal side has a Validity Certificate.

6. Considering that the Certificate of Validity is under a cloud of suspicion, we need to trace out the trail of the documents pertaining to the Petitioner's father, who was working with Panchayat Samiti, Nawapur, Tq. Nawapur, Dist. Nandurbar.

7. If the proposal of the Petitioner's father, who was admittedly selected and appointed on the post reserved for the Scheduled Tribes category, was forwarded by the Samiti to the Nashik Committee, the record of sending the said proposal would be available with the Panchayat Samiti. If the documents pertaining to such proposal are found to be authentic, we can then direct the Committee to start searching for the entire proposal and the file of the Petitioner's father.

8. The learned Advocate for the Petitioner prays for a direction that the Petitioner's admission be protected. We have passed such orders wherever we found that close paternal relatives have received Validity Certificates, which are intact and the claim of the Petitioner is rejected. In the present case, besides the photo-stat copy of the father's purported Certificate of Validity, which itself appears to be suspicious, we do not deem it appropriate to issue such an ad-interim order at this stage, lest, a

genuine student having a Validity Certificate would be deprived of the admission to a professional course.

9. We direct the Petitioner to add the Panchayat Samit, Nawapur, Tq. Nawapur, Dist. Nandurbar through Deputy Chief Officer, Panchayat, Zilla Parishad, Nandurbar. Addition be carried out forthwith.

10. **Issue notice to the Respondents**, returnable on 02.07.2025. The learned AGP waives service of notice for respondents No. 1 and 2. *Hamdast* granted to serve the added Respondent No. 3.

11. We direct Respondent No. 3 to produce the original record containing the proposal of the Petitioner's father, namely Satish Vamanrao Shirsath (now deceased), who was working as Block Extension Officer at the time of his demise on 22.05.2018. Once we peruse the original record containing the copy of the proposal which is forwarded to the Competent Committee, we would issue further directions to the Committee to investigate and trace out the proposal as well as the file and the Judgment delivered in the matter, vide which the purported Certificate of Validity was issued to the deceased.

12. The learned AGP will ensure that the original file / documents pertaining to the present Petition is kept ready for perusal.

***** 4.30 pm *****

13. At the time of raising, the learned Advocate for the Petitioner mentioned this matter on instructions from the mother of the Petitioner present in the Court Hall, that the Petitioner desires to withdraw this Petition.

14. In view of the above, **this Petition is disposed off as withdrawn** on instructions. We make it clear that we have not drawn any conclusions/opinion in this matter.

(Y. G. KHOBRAGADE, J.)

(RAVINDRA V. GHUGE, J.)

Omkar Joshi