

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 13086 OF 2025

Saraswati D/o. Baliram Putwad,
Age: Minor, Occ.: Education,
R/o. Plot No. 19-20, Harimon Niwas,
Tirumala Nagar, Wadi BK,
Nanded Taluka & District: Nanded
Through Father And Natural Guardian
Baliram Bhagwanta Putwad
Age: 48 years, Occ.: Service,
R/o.-As above.

...Petitioner

Versus

1. The State of Maharashtra,
Through Secretary, Tribal Development
Department, Mantralaya, Mumbai-32.
(Copy to be served on Govt. Pleader,
High Court of Judicature of Bombay).
2. Commissioner and Competent Authority,
State Common Entrance Test Cell,
Maharashtra, Mumbai,
8th Floor, New Excelsior Building,
A. K. Nayak Marg, Fort, Mumbai-400 001.

...Respondents

Mr. Sahil Choudhari, Advocate for the Petitioner.

Ms. Priyanka Chavan, AGP for the State/Respondent No. 1.

Mr. Rui Rodrigues, Advocate for Respondent No. 2.

**CORAM : RAVINDRA V. GHUGE &
ASHWIN D. BHOBE, JJ.**

DATE : 7th OCTOBER, 2025.

JUDGMENT (Per Ravindra V. Ghuge, J.) :-

1. Heard Mr. Sahil Choudhari, learned Advocate for the

Petitioner, Ms. Priyanka Chavan, the learned AGP for the State/Respondent No. 1 and Mr. Rui Rodrigues, the learned Advocate for Respondent No. 2.

2. Rule. Rule made returnable forthwith and heard finally with the consent of the parties.

3. The Petitioner is a girl student, who is a minor and has preferred this Petition through her father. She has invoked our Writ jurisdiction under Article 226 of the Constitution of India, for the reason that after passing the NEET UG-2025 examination, she had applied for admission to the MBBS Course from the Scheduled Tribe (ST) Category since she belongs to the 'Koli Mahadev' ST Category. The said tribe is entered at Serial No. 29 in the Presidential Order for the State of Maharashtra. She was allocated a medical college by the competent authority. At the time of documents verification, it was noticed that though she has the ST Certificate, she did not have a Validity Certificate. The college, which was allocated to her, informed her that she would be excluded from the admission since she does not have a Validity Certificate. The Petitioner, therefore, did not tender a retention application.

4. Before start of the 2nd CAP Round, the Petitioner received a Validity Certificate on 5th September, 2025, under the order of this Court

at the Aurangabad Bench dated 22nd August, 2025 delivered in Writ Petition No. 10343 of 2025, filed by the present Petitioner herself. It was specifically set out by this Court in paragraph no. 11(iii)(b), as under :-

“The Petitioner shall furnish undertaking before the Registrar (Judicial) of this Court as well as before the Scrutiny Committee and the Educational Institution with whom she will take admission for professional course, indicating that in case her caste validity is revoked, she would deposit the tuition fees and other charges applicable to the candidates from open category.”

5. It is, thus, clear that the Petitioner has received a Validity Certificate under the order of this Court with a further direction (reproduced above) that the Petitioner would furnish an undertaking before various authorities, including the Educational Institution with whom she will take admission for the professional course, indicating that if her Caste Validity Certificate (to be read as ‘the Tribe Validity Certificate’) is revoked, she would pay full fees. Thus, this Court permitted the Petitioner to compete in the admission process. It is undisputed that the 3rd CAP Round has commenced yesterday and would continue until 20th October, 2025.

6. The learned Advocate representing Respondent No. 2, State Common Entrance Test Cell, has relied upon various provisions of the Information Brochure ‘for expressing preference for admission to Health

Science Courses for the NEET UG-2025'. According to him, clause 4.12 deals with the cut-off date for eligibility, clause 9.4.1 prescribes that the candidate who fails to produce a Validity Certificate, will be considered as 'Open Category Candidate' provided he/she fulfills the eligibility criteria of NEET UG-2025, etc..

7. In our view, the said clauses would not be applicable since the Petitioner has already received a Validity Certificate under the order of the High Court and she is permitted to seek admission to the MBBS Course.

8. Shri. Rodrigues has then relied upon clause 11.1.4 with regard to the candidates, who have been allotted seats in the 1st Round. He has then adverted to clause 11.1.7 CAP Round-2 Process. Under this clause, he submits that the Petitioner can not compete in the CAP-3 in the light of clause 11.1.7.2.

9. We have perused the sub-clauses below clause 11.1.7.2. We find that the following clause, which is the 3rd point thereunder, would assist the Petitioner. The same reads thus :-

“Registered candidates, whose seat allotted in Round 1 got cancelled during the document verification due to his/her invalid/wrong claim on reporting for admission to the selected Institute, but candidate is otherwise eligible for selection with change in the invalid/wrong claim. For such a candidate, selection during first round will not be valid and he/she will be eligible only on available seats during second round with

corrected claim.”

10. The aforestated rule, therefore, indicates that a registered candidate's seat allotted in Round-1, can get cancelled during documents verification, if his/her claim is found to be invalid/wrong. The case of Petitioner stands on a better footing. Neither her claim of belonging to ST Category has been declared invalid, nor is it wrong. She could not support her claim of belonging to the Koli Mahadev ST Category because she did not have a Validity Certificate though she did have a Tribe Certificate.

11. Presently, the Petitioner aspires to seek admission on the basis of her Caste Validity Certificate granted to her by the High Court by falling back upon clause 11.1.8 CAP Round-3 Process. Clause 11.1.8.1 prescribes the available seats for Round-3. The said round is to commence after completion of the admissions to the CAP 2nd Round on 8th October, 2025. The on-line registration for the CAP Round-3 would commence on 10th October, 2025. In view of the above, clause 11.1.8.2, which permits candidates to participate in Round-3, subject to the sub-clauses set out therein.

12. We make it clear that we are only finding the Petitioner eligible to participate in the CAP Round-3. We are not dealing with

whether she would have a right to an admission. Since she has been granted a Validity Certificate under the orders of the High Court and is permitted to use the same in her admission process, that we are only concluding that she is eligible to compete for admission in the CAP Round-3 on the basis of her ST Validity Certificate.

13. With the above declaration, which the Respondent authorities shall follow, **this Petition is disposed off**. Rule is discharged.

[ASHWIN D. BHOBE, J.]

[RAVINDRA V. GHUGE, J.]

GITALAXMI
KRISHNA
KOTAWADEKAR

Digitally signed
by GITALAXMI
KRISHNA
KOTAWADEKAR
Date:
2025.10.09
18:35:35 +0530