

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

**WRIT PETITION NO. 16552 OF 2025**

Krishna Bandu Waghmare

... Petitioner

versus

The State of Maharashtra & Ors.

... Respondents

...

Mr.Sahil Choudhari for the Petitioner.

Mr.S.H.Kankal, AGP for the Respondent -State.

Mr.Nikhil Chavan for Respondent No.2.

...

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

**DATE : DECEMBER 05, 2025**

**P.C:**

1. The only grievance put forth by the Petitioner before us is that after he secured admission to the B. Pharma course for the first semester on 10<sup>th</sup> November 2025, he received the Koli Mahadeo Scheduled Tribe validity certificate under the orders of this Court [Coram: R.G.Avachat and Abasaheb D. Shinde, JJ.], at the Aurangabad Bench, on 14<sup>th</sup> November 2025 in Writ Petition No. 13602 of 2025.

2. Being armed with the validity certificate, he presented the same to the college. However, Respondent No. 2, the Commissioner and

Competent Authority, State Common Entrance Test Cell, has converted the reserved seat of the Petitioner to the open category, meaning thereby that the Petitioner will have to pay full fees applicable to the open category.

3. The learned Advocate for Respondent No. 2, on instructions, has strongly opposed this Petition and prays that the same be dismissed. He submits that though the admission of the Petitioner under the Scheduled Tribe category has not been cancelled, since he did not have the validity certificate as on 10<sup>th</sup> November 2025, the seat was converted into the open category. He can continue to pursue his course under the open category.

4. We have peculiar facts before us. It is undisputed that the Petitioner could not have predicted when the decision in his pending Writ Petition seeking a validity certificate, would be delivered, or that the seat reserved for the Scheduled Tribe category would be finalized on 10<sup>th</sup> November 2025.

5. On 14<sup>th</sup> November 2025, this Court [Coram: R.G.Avachat and Abasaheb D. Shinde, JJ.], at the Aurangabad Bench, passed the following order:

*“1. Since this petition arises out of the common order passed by respondent – Scrutiny Committee and the said order has already been set aside by this court vide order dated 07.11.2025 in Writ Petition No.5360 of 2025, this petition needs to be allowed in terms of the said order. Hence, the following order:-*

- (i) The Writ Petition is allowed.*
- (ii) The impugned order herein is set aside.*
- (iii) Respondent No.2 - Scrutiny Committee shall grant the petitioner validity of 'Koli Mahadev', Scheduled Tribe.*
- (iv) The validity to be granted to the petitioner shall be subject to the outcome of the proceedings of his blood relations, on which the petitioner has relied”.*

6. The learned Advocate for the Petitioner clarifies that his biological sister was granted a validity certificate by the judgment of this Court [Coram: S.V.Gangapurwala (as His Lordship then was) and S.G.Dige, JJ], at the Aurangabad Bench, dated 9<sup>th</sup> February, 2022 in Writ Petition No. 1983 of 2022 (A copy of the said order has not been placed on record with the pleadings.)

7. We, therefore, find that it is an unusual circumstance that the Petitioner received a favourable order from the High Court after his admission was converted from the Scheduled Tribe category to the open category four days ago. Considering that he now holds a validity certificate, it would be unfair and inequitable to call upon the Petitioner to

pay the full course fees applicable to the open category.

8. We are, therefore, exercising our extraordinary jurisdiction and direct that the Petitioner's seat be reverted to the Scheduled Tribe category and the Petitioner would be eligible to avail of the advantage of the reservation as is prescribed in law.

9. With the above directions, **this Writ Petition is disposed off.**

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)