



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

WRIT PETITION NO.5038 OF 2025

(Jayesh s/o Sanjay Donge Vs. Schedule Tribe Caste Certificate Scrutiny Committee,
Amravati and ors.)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. A.P Kalmegh, Advocate for the petitioner.
Mrs. K.H. Bhondge, AGP for respondent Nos.1 and 3/State.
Mr. N.A. Gaikwad, Advocate for respondent No.2.

**CORAM :- SMT. M.S. JAWALKAR AND
RAJ DAMODAR WAKODE, JJ.**

DATED :- SEPTEMBER 03, 2025.

Issue notice to the respondents.

2. Learned AGP waives notice for respondent Nos.1 and 3/State.
3. Mr. N.A. Gaikwad, learned Counsel waives notice for respondent No.2.
4. The present petition is filed for direction to the respondent No.1 - Caste Scrutiny Committee to decide the caste claim of the petitioner within stipulated period.
5. The petitioner also sought interim relief restraining respondent No.2 – State Common Entrance Test Cell, Mumbai not to cancel the admission given to the petitioner from Scheduled Tribe category for want of submission of Validity Certificate. The petitioner obtained caste certificate from Sub-Divisional Officer, Khamgaon dated 01/09/2021 of Thakur Scheduled Tribe. The Proposal for Validity submitted on

16/10/2024 along with the necessary documents i.e. old documents prior to 1950 submitted by the petitioner to the Caste Scrutiny Committee.

6. Mr. Gaikwad, learned Counsel for State CET Cell, Maharashtra State, Mumbai strongly opposed for granting interim relief to the petitioner and submits that the Hon'ble Apex Court has already held that the protection of such admissions is contrary to the interest of the students at large. He relied on the order passed by the Hon'ble Apex Court in the case of **Dilip Vitthal Bambale and ors. Vs. Vinitkumar Motiram Tatlod and ors. In Civil Appeal Nos.11234-48 of 2017 (arising out of SLP (C) Nos.20210-20224 of 2017)** and has submitted that as the validity are not received by the present students it would not be in the interest of other candidates belonging to reserve category to allow these students to occupy reserve seats.

7. In view of the decision of the Full Bench of the Hon'ble Apex Court in the case of **Shreyash Ajay Ghormare Vs. The Scheduled Tribe Certificate Scrutiny Committee in Special Leave to Appeal (C) Nos.17206-17207/2023** wherein it is held as under:

“Having heard learned counsel for the parties and considering the fact that the petitioner had a Scheduled Tribe Certificate as a member of the Mana Scheduled Tribe in the State of Maharashtra, we direct the concerned authorities to admit him provisionally based on his rank, if he is otherwise eligible for the Scheduled Tribe Category without insisting on certificate from the Scheduled Tribe Certificate

Scrutiny Committee. He must, however, fulfill other eligibility criteria for such admission.

We are passing this order considering the submission of the petitioner that today is the last day for admission in the course and this order is being passed without prejudice to the rights and contentions of the parties. The petitioner shall not be entitled to claim any equity in the event, the matter is ultimately decided against him."

8. In view of the restricted relief to issue direction to respondent No.1 to decide the caste claim of the petitioner, the petition needs to be allowed. Hence, the petition is allowed.

9. Respondent No.1 is hereby directed to decide the tribe claim of the petitioner within a period of three weeks.

10. Respondent No.2 - State Common Entrance Test Cell, Mumbai is directed not to cancel the admission of the petitioner from Scheduled Tribe category till the result of the Caste Scrutiny Committee.

11. The direction not to cancel the admission given to the petitioner till result of Caste Scrutiny Committee is binding on respondent No.3 also and in view of this direction, there is no necessity to issue separate direction to respondent No.3.

12. The petitioner shall appear before the Caste Scrutiny Committee, Amravati on 08/09/2025.

13. The petition stands disposed of.

14. The learned AGP as well as learned Counsel for the petitioner shall communicate this order to the Caste Scrutiny Committee, Amravati.

15. Copy of this order be furnished to the parties to act upon.

(RAJ DAMODAR WAKODE, J.) (SMT. M.S. JAWALKAR, J.)

**Divya*