



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

WRIT PETITION NO.224 OF 2025

Shivani s/o Bhika Ingle

Vs.

Schedule Tribe Caste Certificate, Yawatmal and others

*Office Notes, Office Memoranda of Coram,
AGPearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Mr. R.S. Suryawanshi, Advocate for the petitioner/s
Mr. S.M. Ukey, Addl.GP for the respondent Nos.1 and 2/State
Mr. N.A. Gaikwad, Advocate for the respondent No.3

CORAM : ANIL S. KILOR AND VRUSHALI V. JOSHI, JJ.

DATE : 01.08.2025

Civil Application (CAW) No.1748 of 2025

1. For the reasons stated in the application, the application is allowed.
2. The amendment be carried out forthwith.
3. The learned AGP waives service of notice for the respondent No.2/State.
4. Mr. Gaikwad, learned counsel, waives service of notice for the respondent No.3.
5. In the meantime, the urgency in the present matter is that on 03.05.2025, the petitioner has to produce Validity Certificate, however, in the present petition the invalidation of the validity is under challenge and considering the fact that all the documents filed along with the claim, support the claim of the petitioner as 'Thakur' Scheduled Tribe, in view of the decision of the Full Bench

of this Court in the case of *Shilpa Vishnu Thakur Vs. State of Maharashtra*¹.

6. The learned Additional G.P. argues that it is not sufficient to issue validity only on the basis of entry of 'Thakur', where all the documents though shown the entry of 'Thakur', in such case, an affinity test have to apply.

7. In the present case, the petitioner failed the affinity test. However, it was pointed out that two validity certificates have been issued within his family, which were not considered by the Committee on the ground of certain discrepancies, though no specific details of such discrepancies have been recorded.

8. In this regard, the learned Additional G.P. seeks time to explain the same.

9. At this stage, the learned counsel for the petitioner is insisting for interim order for the reason that on 03.08.2025 i.e. on Sunday he has to either produce the validity or the order of the Court, to protect his admission in Engineering Course.

10. Mr. Gaikwad, learned counsel for the newly added respondent No.3, strongly opposes the petition in view of the judgment in the case of *Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and others*².

11. We are conscious about the law laid down by the

¹ 2009 (3) Mh.L.J. 995

² (2023) 16 SCC 415

Hon'ble Supreme court of India in the case of ***Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti*** (supra), however, if the case of the present petitioner is not considered, particularly, in the backdrop there are two validity certificates in his family, the loss of an academic year is irreversible.

12. In this situation, we request Mr. Gaikwad, learned counsel for the respondent No.3, to take instructions as to whether, in the event the petition is allowed after final hearing on 05.08.2025, the respondent No.3 would admit the petitioner at this stage. However, he expressed his inability to take any positive steps in that regard.

13. In the peculiar facts and circumstances, we are left with no other option than to pass the following order.

- (i) Place this matter on **05.08.2025 for final hearing on high on Board.**
- (ii) In the meantime, the respondent Nos.2 and 3 are directed not to reject the application for admission of the petitioner on the ground that the validity is not submitted till 05.08.2025.

An authenticated copy of this order be given to the learned counsel for the petitioner.

(VRUSHALI V. JOSHI, J.)

(ANIL S. KILOR, J.)