



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

CIVIL APPLICATION NO.2059 OF 2025

IN

WRIT PETITION NO.2569 OF 2025

(Sumit s/o Pradip Suryawanshi Vs. Schedule Tribe Caste Certificate Scrutiny Committee,
Amravati)

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.
Mr. A.V. Palshikar, 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.

The petitioner by way of this application seeks permission to amend the petition to bring on record the Government Resolution dated 26/08/2025, thereby granted extension of six months only to the students belonging to the SEBC and OBC category for submission of Caste Validity Certificate.

2. In view of this subsequent developments, the petitioner seeks permission to amend title clause by adding respondent Nos.2 and 3, paragraph No.9 by adding paragraph Nos.9A to 9D and in the ground by adding paragraph Nos.(xi-a) to (xi-b).

3. There is no serious objection to the amendment.

4. For the reasons mentioned in the application, the application is allowed.

5. The amendment be carried out forthwith.

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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 challenging the invalidation order dated 31/01/2025 passed by respondent No.1 - Caste Scrutiny Committee.

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, Daryapur dated 12/07/2019 of Thakur Scheduled Tribe. The Proposal for Validity submitted on 21/11/2023 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. The proposal for verification is forwarded on 21/11/2023 along with the necessary documents. Learned Caste Scrutiny Committee rejected the claim which is under challenge in this petition. It is the contention of the petitioner that there is validity issued by the Scheduled Tribe Caste Scrutiny Committee,

Division, Thane who his cousin Grandfather of the petitioner. Moreover, he has submitted 12 documents wherein 4 documents are old from the cut-off date one is of 1911 which document is not considered by the Caste Scrutiny Committee and rejected the claim. He has secured the admission in the Government College of Engineering, Yavatmal which is responent No.3 the order of the Caste Scrutiny Committee was immediately challenged by the petitioner and the matter is pending before this Court. In view of the earlier orders he needs to be protected till the decision of this petition.

9. The petitioner was not entitled to claim any equity if the matter is ultimately decided against him. As such, the interim relief in terms of prayer Clause – (iii-a) is granted.

10. List the matter for final hearing on 16/09/2025.

11. The parties to communicate this order to the concerned authorities with immediate effect.

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

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