

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 8284 OF 2023

Rishikesh Mohan Soundane & Anr ...Petitioners
Versus
State of Maharashtra through its Secretary Tribal ...Respondents
Development & Ors

Mr RK Mendadkar, for the Petitioners.
Mrs AA Purav, AGP, for the Respondent-State.

CORAM G.S. Patel &
Neela Gokhale, JJ.
DATED: 5th July 2023

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1. The Petitioners have challenged an order of the 2nd Respondent, the Scheduled Tribe Certificate Scrutiny Committee, Nashik. That order is dated 23rd May 2023 and it invalidates the Petitioners' certificates. Those certificates place the Petitioners in the Malhar Koli tribe at Sr. No. 30 of the Maharashtra List. The Petitioner's father had occasion to challenge a similar invalidation. He filed Writ Petition No. 6252 of 2009. On 7th August 2009, having seen the original school register, the Court found that there was an old entry in favour of the Petitioner stating that the father of that Petitioner (i.e., the grandfather of the present Petitioners) did

belong to the Malhar Koli tribe. Accordingly, the Division Bench granted relief.

2. Petitioners Nos 1 and 2 are presently studying at the 3rd Respondent Alamuri Ratnamala Institute of Engineering and Technology. Their admission is under threat because of the invalidation of their Caste/Tribe Certificate.

3. We will protect the Petitioners in view of what we have said above and in view of the protection granted to the father. The admission of the Petitioners Nos. 1 and 2 to the 3rd Respondent College is not to be cancelled for the present. This will, however, be subject to further orders in the Writ Petition. The Petitioners are not entitled to claim any equities on the basis of this ad-interim order.

4. We permit Mrs Purav for the State to file an Affidavit in Reply and request her to make available the original file on the next occasion. The Affidavit in Reply is to be filed and served by 28th July 2023. The Petition will be taken up on 2nd August 2023. This order will continue until further orders.

5. List this matter along with Writ Petition No. 6252 of 2009 on 2nd August 2023.

(Neela Gokhale, J)

(G. S. Patel, J)