

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

WRIT PETITION NO.1831 OF 2023

(Ku. Chanchal Waman Shrirame and another vs. The Scheduled Tribe Certificate Scrutiny Committee, Nagpur)

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri S.P. Khare, Advocate for the petitioners.

Shri A.S. Fulzele, Additional Government Pleader for respondent
no.1.

CORAM: A.S. CHANDURKAR & MRS. VRUSHALI V. JOSHI, JJ.
DATE : 18.8.2023

Leave granted to implead the State Common Entrance Test Cell, Maharashtra State, Mumbai as well as Bajaj College of Agriculture, Pipri, District Wardha as respondent nos.2 and 3. The amendment be carried out forthwith.

2) Shri Khubalkar, learned Counsel, who is present in the Court, is directed to waive notice for the respondent no.2.

3) It is submitted by the learned Counsel for the petitioners that the father and other blood relatives of the petitioners have been issued validity certificates but those have not been duly considered while rejecting the claim of the petitioners of belonging to "Mana" (Scheduled Tribe).

4) The petitioner no.1 has been admitted to the respondent No.3 College and is required to submit validity certificate by

18.8.2023. If such validity certificate is not submitted, her admission is liable to be cancelled. Our attention is invited to the order dated 9.8.2023 passed by the Hon'ble Supreme Court in Special Leave Petition No.17206-17207/2023 (Shreyash Ajay Ghormare V/s. The Scheduled Tribe Certificate Scrutiny Committee) and it is prayed that the petitioner no.1 be permitted to provisionally seek admission in accordance with the said direction. The aforesaid order dated 9.8.2023 reads as under:-

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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.

Issue notice to all the respondents.

Service be effected forthwith.”

5) In view of the fact that the petitioners' father and other blood relatives have been issued validity certificates, we are inclined to issue similar directions of permitting the petitioner no.1 to continue her education based on the admission granted to her at the respondent No.3 College subject to outcome of the writ petition. Her admission shall be treated as provisional under the Scheduled Tribe Category

and she shall be permitted to pursue her education without insisting for validity certificate. She is, however, required to fulfill all other eligibility criterion. The petitioner no.1 shall not be entitled to claim any equity whatsoever in case her claim is invalidated.

6) An authenticated copy of this order be supplied to the learned Counsel for the parties.

(MRS. VRUSHALI V. JOSHI, J.)

(A.S. CHANDURKAR, J.)

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