



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

WRIT PETITION NO. 5076 OF 2023

Shruti Dnyaneshwar Ghodmare

-Vs-

Scheduled Tribe, Certificate Scrutiny Committee, Nagpur and ors.

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

Court's or Judge's Orders.

Mr. PP Dhok, counsel for the petitioner.
Mr.D.P.Thakare, Addl.GP for respondent Nos. 1,2 and 4.
Mr. N.A.Gaikwad, counsel for respondent No.3.
Ms. Neerja Choubey, counsel for respondent No.5.
Mr.N.M.Gaidhane, counsel for respondent No.6.

**CORAM : ANIL S. KILOR &
MRS.VRUSHALI V. JOSHI, JJ.**

DATE : 28th JULY,2025

1. The learned counsel appearing for the petitioner points out that there are two validity certificates, one is issued in favour of the father of petitioner and another is issued in favour of the cousin uncle of the petitioner. It is submitted that the validity which was issued in favour of the father of the petitioner was issued in view of the directions issued by the Hon'ble Supreme Court of India. However, the learned Additional Government Pleader, while opposing the submissions of learned counsel appearing for the petitioner submits that there was no Vigilance Cell conducted while granting validity to the father of the petitioner. He further points out that he is in employment and he was appointed on SBC Category, whereas the daughter is claiming that she belonging to 'Mana' Scheduled Tribe. The learned counsel appearing for the petitioner is not disputing that the

father was appointed in SBC category however, he submits that subsequently, after the Government Resolution under which the SBC certificate was issued came to be called and set aside by this Court, the employer has converted his post into the Scheduled Tribe Category and thereafter, the validity certificate was obtained by the father of the petitioner.

2. The learned Additional Government Pleader submits that he wants to file affidavit on record and for that he is seeking time.

3. The learned counsel appearing for the petitioner on the other hand points out that tomorrow is last date for submission of the validity certificate to confirm the admission in B-tech Fire Engineering for 1st year. In the circumstances, as we are of the opinion that the Committee has discarded both the validities, which is not permissible, particularly when the Committee has not taken steps to approach to the Supreme Court of India to get the validity cancelled as the same was issued in view of the directions of the Supreme Court of India. Therefore, we are of the *prima facie* view that the Committee cannot discard the said validity of the father of the petitioner. In the circumstances, we grant time to the learned Additional Government Pleader to file the affidavit on record within a period of two weeks.

4. In the meantime, there shall be stay to the invalidation of the Tribe claim of the petitioner as '*Mana*'

Scheduled Tribe. In the circumstances, the application No.1549 of 2025 does not survive accordingly, it is disposed of, with a direction to the respondent No.7 to admit the petitioner to B.Tech 1st year Fire Engineering Course for the academic year 2025-26, if otherwise, she is eligible, such admission will be subject to the result of the petition.

5. It is made clear that the petitioner shall not claim equity in view of such admission, if any made. The petitioner shall file an undertaking that if she fails in the present petition and her admission is cancelled, she would not claim refund of the fees, in case, the post on which the petitioner would be admitted, goes vacant because of the cancellation of the admission of the petitioner.

6. Stand over to 11/08/2025.

(VRUSHALI V. JOSHI, J) (ANIL S.KILOR,J)