

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

WRIT PETITION NO.5151/2023

Awantika D/o Prakash Sawsakade

-Vs.-

Scheduled Tribe Certificate Scrutiny Committee, Nagpur and others

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

Court's or Judge's Orders.

Mr. P.P. Dhok, counsel for the petitioner.

CORAM: A.S. CHANDURKAR & MRS. VRUSHALI V. JOSHI, JJ.
DATE : 11.8.2023

Heard.

2. It is submitted by the learned counsel for the petitioner that father of the petitioner has been issued validity certificate but it has not been duly considered while rejecting the claim of petitioner of belonging to Mana Scheduled Tribe.
3. Issue notice to the respondents returnable in three weeks.
4. Mr. S.A. Ashirgade, learned Additional Government Pleader waives notice for respondent Nos.1, 2 and 4.
5. Mr. N.A. Gaikwad, learned counsel waives notice for respondent No.3.
6. The record of the Scrutiny Committee be produced for perusal.
7. The petitioner seeks to participate in the Common Entrance

Test for pursuing the course in Engineering. The CAP-II round is likely to be held. 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 be permitted to provisionally seek admission in accordance with 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.”

8. In view of the fact that petitioner's father has been issued validity certificate on 17.3.2010 we are inclined to issue similar directions of permitting the petitioner to participate in the CAP-II round subject to outcome of the writ petition. In case the petitioner is found entitled for such admission, she can be admitted provisionally without insisting for validity certificate from the

Scrutiny Committee and fulfilling all other eligibility criterion. The petitioner shall not be entitled to claim any equity whatsoever in case her claim is invalidated.

(MRS. VRUSHALI V. JOSHI, J.)

(A.S. CHANDURKAR, J.)