



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

WRIT PETITION NO. 4843 OF 2018.

Sarang s/o Santosh Khadsang,
Aged about 18 yrs. Occupation - Student
resident of Sant Ravidas Chowk,
Bramhapuri, District Chandrapur.

... **PETITIONER.**

VERSUS

1. The Vice-Chairman/Member
Secretary, Scheduled Tribe Caste
Certificate Scrutiny Committee,
Gadchiroli.

2. The State Common Entrance Test Cell
8th Floor, New Excelsior Building,
A.K. Nayak Marg, Fort,
Mumbai 400 001 [M.S.]

3. The Directorate of Technical
Education, Maharashtra State
Mumbai 400001.

... **RESPONDENTS.**

Ms. P. Rane, Advocate for the Petitioner.
Ms. M.A. Barabde, AGP for Respondent Nos.1 and 3.

CORAM : B.P. DHARMADHIKARI
AND Z.A HAQ, JJ.

DATE : AUGUST 03, 2018.

ORAL JUDGMENT : (PER B.P. DHARMADHIKARI, J).

Heard Ms. P. Rane, learned Counsel for the petitioner and Ms. M.A. Barabde, learned A.G.P. for respondent nos.1 and 3. As the order of Scrutiny Committee dated 26.06.2018, is impugned in the present petition, service on respondent no.2, is dispensed with. With consent of the learned counsel appearing in the matter and considering the nature of controversy, Writ Petition is taken up for final disposal by issuing Rule, making the same returnable forthwith.

2. All documents looked into by the respondent Scrutiny Committee mentions caste as 'Mana'. There is not a single document in which some other caste has been mentioned. There is validity issued to cousin sister of petitioner.

3. The order impugned therefore, proceeds only on the basis of an assumption and then applies affinity test.

4. Similar issues are looked into by this Court in a judgment reported at **2018 (2) Mh.L.J. 460 (Gajanan Pandurang Shende .vrs. Head Master, Govt. Asharm School, Dongargaon Salod and others)**.

5. In present matter the oldest document looked into is of 1918-19. None of the documents are found to be fabricated. We therefore, find the impugned order unsustainable. It is accordingly quashed and set aside. Respondent no.1 Scrutiny Committee is directed to immediately issue validity in favour of petitioner.

6. Writ Petition is accordingly allowed. Rule is made absolute in aforesaid terms, with no order as to costs.

JUDGE

JUDGE

Rgd.