

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

**WRIT PETITION 3372 OF 2020**

Sahil s/o.Dayaram Kakade,  
Aged about 17 years, Occ. Student,  
through natural guardian father  
Shri Dayaram s/o.Sheraoji Kakade,  
aged about 56 yrs, Occ. Service,  
r/o. Rajeshwar Nagar, Deomaili,  
Paratwada, District Amravati

**PETITIONER**

**...VERSUS...**

1. The Scheduled Tribe Caste  
Certificate Scrutiny Committee,  
through its Member Secretary and  
Deputy Director, Near Irwin Chowk,  
Morshi Road, Amravati
2. State Common Entrance Test Cell,  
8<sup>th</sup> Floor, New Excelsior Building,  
A.K. Nayak Marg, Fort, Mumbai-01  
through its Director
3. Directorate of Medical Education and  
Research, through its Directorate  
(Education), Government Dental College  
and Hospital Compound, New V.T.  
Mumbai 400 001
4. Vidarbha Youth Welfare Society's  
Dental College and Hospital,  
Amravati, Tahsil District Amravati  
through its Principal
5. Maharashtra University of Health  
Sciences, Nashik through its  
Registrar, Dindori Road, Mhasrul,  
Nashik – 422 001

....(Added as per  
Court order dtd.  
23.2.2022).

**...RESPONDENTS**

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Mr. Ashwin Deshpande, Advocate for petitioner.  
Mr. A.S. Fulzele, Addl. Government Pleader for  
respondent Nos.1 & 3.  
Mr. R.D. Bhuibhar, Advocate for respondent No. 4.  
Mr. V.P. Panpaliya, Advocate for respondent No.5.  
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**CORAM** : SUNIL B. SHUKRE AND  
G.A. SANAP JJ.  
**DATE** : 12.07.2022

**Oral Judgment** : (Per : Sunil B. Shukre, J.)

Heard.

2. Rule. Rule made returnable forthwith. Heard finally with consent of the parties.

3. It is not in dispute that there exist two validities in the paternal family of the petitioner, one in favour of Mr. Bhaktaraj Sheshrao Kakade issued to him on 22.2.2013 (Page No.68) and the other issued to Ms. Shweta Dayaram Kakade on 19.7.2019 (Page No. 69). Mr. Bhaktaraj Kakade who holds the validity certificate granted to him by Caste Scrutiny Committee, Amravati is to the effect that he belongs to Halbi, Scheduled Tribe and he is paternal uncle of the petitioner and Ms. Shweta who also holds the validity certificate granted to her by Caste Scrutiny Committee, Amravati as she belonging

to Halbi, Scheduled Tribe is a real sister of the petitioner. This validity granted to Mr. Bhaktaraj Kakde is challenged by the State of Maharashtra before the Hon'ble Apex Court and Special Leave Petition is pending in which, as informed by learned counsel for the petitioner, no stay to the validity certificate has been granted by the Hon'ble Apex Court. Validity granted to real sister of the petitioner, however, has not been challenged by the State of Maharashtra before the Hon'ble Apex Court. As informed by the learned counsel for the petitioner, the validity granted to real sister of the petitioner has attained finality.

4. Considering the above referred facts, it would be unjust and unreasonable on the part of the Scrutiny Committed to deny same benefit to the petitioner as was granted to his blood relatives from the paternal side. We are therefore, inclined to allow this petition.

5. The petition is allowed. The impugned order is quashed and set aside.

6. The Scheduled Tribe Certificate Scrutiny

Committee, Amravati Division, Amravati is directed to grant provisional validity certificate to the petitioner that he is “Halbi” Scheduled Tribe person subject to the result of Special Leave Petition No. 12807/2013, within a period of two weeks from the date of the receipt of the order.

7. Respondent Nos. 4 and 5 to act on the basis of the provisional validity certificate and allow the petitioner to complete his further education, accordingly.

(G.A. SANAP, J.)

(SUNIL B. SHUKRE, J.)

belkhede