



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

901 WRIT PETITION NO. 11938 OF 2026

Vijaylaxmi Basvant Hargewad

VERSUS

State of Maharashtra Thr Secretary And Others

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Mr. Digambar B. Shinde, Advocate for the Petitioner.

Mr. P. S. Patil, AGP for Respondent Nos.1 & 2.

Mr. Chandrakant A. Jadhav, Advocate for Respondent No.3.

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CORAM : KISHORE C. SANT &
JITENDRA JAIN, JJ.

DATE : 8th SEPTEMBER, 2026

PER COURT :

1. Heard learned Advocate for the petitioner.
2. The main prayer in the petition is to direct respondent no.2-Committee to decide the caste claim of the petitioner within stipulated period. The petitioner's proposal is dated 18.03.2026. The petitioner also earnestly prays for grant of interim relief directing respondent no.3-State Common Entrance Test Cell to allow the petitioner to participate in the admission process for the courses of MBBS, BDS, BAMS etc.
3. The learned Advocate of the petitioner has relied upon the order passed by the Principal Seat at Mumbai in Writ Petition No.11526 of 2026 dated 03.09.2026 and the order dated 24.08.2026 passed by the Nagpur Bench in Writ Petition No.6545 of 2026, in

which directions are giving to allow the students to appear in the admission process and, if necessary, to grant admission.

4. The learned AGP, however, vehemently opposes the prayer. He submits that the petitioner had already approached this Court for directions to decide his tribe claim within stipulated period. This Court by order dated 22.07.2026 passed in Writ Petition No.8079 of 2026 has granted four months time to the Committee to decide the tribe claim of the petitioner. He, therefore, submits that the petitioner firstly has approached the Committee very late i.e. only in the month of March 2026, when he was expected to approach the Committee in the year 2024 itself, when he sought an admission to XIth standard. He points out the Government Resolution dated 10.12.2019, whereby various guidelines are given. Clause 3 of the said Government Resolution reads as under:-

“३. शैक्षणिक वर्ष २०२०-२१ पासून पुढील प्रत्येक शैक्षणिक वर्षामध्ये, इयत्ता ११ वी व १२ वी मध्ये शिक्षण घेत असलेल्या व पुढील शैक्षणिक वर्षामध्ये व्यावसायिक अभ्यासक्रमाकरीता प्रवेश घेऊ इच्छिणाऱ्या अनुसूचित जमातीच्या विद्यार्थ्यांनी त्यांचे जात पडताळणीचे प्रस्ताव (Online) आवश्यक कागदपत्रांसह संबंधित शैक्षणिक संस्थेमार्फत अनुसूचित जमाती प्रमाणपत्र तपासणी समितीचे कार्यक्षेत्र विचारात घेऊन संबंधित समिती कार्यालयास प्रत्येक शैक्षणिक वर्षाच्या ३० नोव्हेंबर, अखेरपर्यंत सादर करावे.”

5. The clause 12 of the Government Resolution reads as under :-

“१२. अनुसूचित जमातीच्या राखीव जागेवर व्यावसायिक अभ्यासक्रमासाठी प्रवेश घेऊ इच्छिणाऱ्या अर्जदारांचे जात प्रमाणपत्र पडताळणीबाबतचे प्रस्ताव विहित कालमर्यादेत सादर न करणाऱ्या शैक्षणिक संस्थांची जबाबदारी निश्चित

करुन शैक्षणिक संस्थांविरुद्ध शालेय शिक्षण विभाग, उच्च व तंत्रशिक्षण विभाग,
आणि कृषी व पदुम विभाग यांनी कारवाई करावी. ”

6. He, therefore, submits it was for the petitioner to approach the Committee in time and if not atleast for the institution where he is admitted. He opposes the prayer for interim relief.

7. This Court has gone through the Government Resolution. As per clause 3, it is necessary for a student who takes admission in XIth standard and desirous of taking admission to any professional course to forward the proposal through the college-institution, where he is taking education to the Committee prior to 30.11.2024 of the same year. The concerned institutions are also under obligation to send such proposals in time. Even action is sought to be taken against the institutions which do not forward the proposal in time.

8. It may sound to be fair to allow the students to take admission by way of interim relief, even without having validity certificate, looking at his career. However, the direct effect of showing such sympathy is that the person having validity certificate in his hands standing in the queue of the admission is deprived of admission because of such sympathy shown by the Court. This Court, therefore, finds that it is necessary to see the conduct of the petitioner as to whether he was vigilant and approached the Committee in time. It is observed that the student has not approached in time, though his

career is at stake, and later on by coming to the Court at the eleventh hour make specious submissions trying to gain sympathy of the Court. This Court also finds that some time in case claim is held to be invalid, it causes loss not only to the student to whom sympathy is shown and relief is granted, but also to the educational institution where the admission is taken. It is in this view, this Court finds that showing such sympathy would be misplaced sympathy.

9. At this stage, it is also appropriate to note the order passed by the Hon'ble Apex Court in the case *Dilip Vitthal Bambale & Others vs. Vinitkumar Motiram Totlod & Others*¹, wherein the Hon'ble Apex Court has observed thus :-

“Before parting with the case, we are obliged to say that the Division Bench of the High Court has been absolutely ill-advised to pass such an interim order. The same is hereby set aside.”

10. Even there are earlier judgments on earlier point of time, whereby the Hon'ble Apex Court has deprecated the practice of granting interim relief in the matters of students.

11. Considering all above, this Court finds that the prayer of the petitioner to allow him to participate in the admission process cannot be accepted. The only direction that can be issued is to decide the claim of the petitioner within stipulated period as this Court has

¹ Civil Appeal Nos.11234-48 of 2017 dated 06.09.2017

already issued by order dated 22.07.2026. It is informed that the vigilance is completed and the statement of petitioner is also recorded. The Committee to pass an appropriate order on the petitioner's claim within a period of four months from 22.07.2026.

12. With this, petition stands disposed off. No order as to costs.

(JITENDRA JAIN, J.)

(KISHORE C. SANT, J.)