

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 5252 OF 2015

Suparna Vishwanath Birajdar .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Sagar S. Phatale, Advocate for the Petitioner.

Shri G. K. Thigle, Addl.G.P. for All Respondents.

**CORAM : S. V. GANGAPURWALA AND
V. K. JADHAV, JJ.**

DATE : 25TH JUNE, 2015.

PER COURT :

. The directions are sought against the respondent No. 4 to issue non creamy layer certificate for the academic year 2011-2012. In fact the said relief is misplaced. The application Exhibit - D lays down that the candidates are required to submit non creamy layer certificate along with their application for the academic year 2010-2011. The petitioner is issued with non creamy layer certificate on 10th November, 2010. When the said certificate is issued in the month of November 2010, the same naturally would be for a period upto March 2011. However, it appears that, the authority has committed a mistake by stating that the same is valid upto 31.03.2010. The said certificate could not have been issued in retrospective manner. When the

certificate itself is issued on 10.11.2010, naturally it would be valid upto 31.03.2011 and the said certificate would satisfy the condition of the application on production of Non Creamy Layer certificate for the year 2010-2011. The authorities shall read the said certificate dated 10.11.2010 to be for the year 2010-2011 in case the same is earlier submitted to the authorities.

2. In the light of the above, we pass the following order.

3. In case the petitioner has submitted the non creamy layer certificate dated 10.11.2010 (Annexure - C) earlier as required, then the authorities shall consider the said certificate for the academic year 2010-2011 as per rules. This order is passed on the premise that the petitioner may have submitted the non creamy layer certificate dated 10.11.2010. If the said certificate dated 10.11.2010 (Annexure - C) is not submitted with the authorities along with application form, then the present order would not come to the aid of the petitioner. The writ petition accordingly is disposed of. No costs.

4. The parties to act on authenticate copy.

[V. K. JADHAV, J.]

[S. V. GANGAPURWALA, J.]