

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.4385 OF 2012

Shakeel s/o Aminsab Tupdikar

Petitioner

Versus

The State of Maharashtra & others

Respondents

Mr.S.M.Vibhute, advocate for the petitioner

Mr.U.S.Mote, A.G.P. for Respondents No.1 & 2.

CORAM : R.M.BORDE &

P.R.BORA, JJ.

DATE : 13th October, 2015

PER COURT:

1 The petitioner was admitted to B.E. Ist year course in Respondent No.3-College as against a seat earmarked for Other Backward Class category in the academic year 2008-2009. The caste certificate was forwarded to the Scrutiny Committee for verification, however, same has been turned down by the Scrutiny Committee by an order dated 10th May, 2012 and as such, petitioner has approached this Court.

2 During pendency of the petition, Respondents were directed to permit the petitioner to prosecute his studies and not to take any adverse action.

3 The petitioner has completed final year B.E. Degree course in the year 2013-14. However, Respondent No.3-College and Respondent No.4-University have withheld the mark sheets, Degree

certificate and Leaving Certificate on the ground of failure of the petitioner to tender validity certificate.

4 The petitioner claims that he does not want to press his claim for issuance of validity certificate and that protection be accorded in respect of the degree acquired by him in Mechanical Engineering during pendency of the petition, by issuing suitable orders.

5 On perusal of the order of the Scrutiny Committee, it does not appear that the petitioner is guilty of producing any fraudulent documents or that he has mislead the Committee for securing benefits. The claim for verification of caste certificate has been rejected merely on the ground that petitioner has failed to produce documentary evidence pertaining to the period prior to 1967. In this view of the matter, reasonable request made by the petitioner deserves to be accepted. Even otherwise, since the petitioner has acquired knowledge in the field of Engineering, same cannot be taken back and denying the relief claimed by petitioner would be a loss to the society since the degree holder, who has acquired the skill, would not be in a position to render services to the society.

6 The petitioner states on oath that in future, he would not claim any benefits available to the Other Backward Class category. It is also stated that the petitioner has not claimed reimbursement of fees while pursuing education and he himself has contributed for payment of fees of the college. It also does not appear that the State was put to financial burden as a result of

admission of the petitioner as against a seat prescribed for Other Backward Class category.

7 In this view of the matter, we deem it appropriate to accept the undertaking tendered by the petitioner and same is accepted. Writ Petition is disposed of with directions to Respondent No.3-College and Respondent No.4-University to return back the mark sheets, Degree Certificate, Leaving Certificate etc., to the petitioner forthwith. The petitioner shall not be entitled to claim benefits available to the Other Backward Class category while pursuing further education or securing employment or any other benefits under any Government scheme.

P.R.BORA
JUDGE

adb/wp438512

R.M.BORDE
JUDGE