

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 5706 OF 2015

GANESH ASHOK INGLE
VERSUS
VEER MATA JIJABAI TECHNOLOGICAL INSTITUTE, MUMBAI
AND OTHERS

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Advocate for Petitioner : Mr. Sangeet L. V.
Advocate for Respondent Nos.1 and 4 : Mr. G.G. Kadam
Advocate for Respondent No.2 : Mr. P.S. patil
AGP for Respondent No.3 Mr. K.M. Suryawanshi

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

DATED : 2nd JULY, 2015

P.C. :-

1. Mr. Sangeet, learned counsel for the petitioner states that the petitioner belongs to reserved S.T. category. After going through the process of CCMT-2015, the petitioner was allotted the seat in National Institute of Technology, Tiruchirapalli for production Engineering M. Tech course, from Scheduled Tribe category. However, subsequently the petitioner is held to be ineligible. The petitioner is denied the seat on the ground that the petitioner does not possess validity certificate. According to the learned counsel a proposal seeking validation of the Tribe certificate of the petitioner is pending with the committee since the year 2010. The petitioner has completed B. E. from Scheduled Tribe category. According to the

learned counsel the seat allotted to the petitioner is vacant and in fact pursuant to the interim order passed by this Court.

2. Mr. Kadam, the learned counsel for respondent Nos. 1 and 4 submits that in fact, the seat allotted to the petitioner is cancelled for two reasons, one the validity certificate is not submitted and another data is changed by the petitioner. Learned counsel submits that as per Brochure and the Rules for admission, submission of validity certificate is mandatory and without validity certificate being submitted, the petitioner cannot be considered for admission. Learned counsel relies on the Rules published in the said Brochure. Learned counsel further submits that the petitioner on his own accord has changed the data from S.T. to O.C and as such also the seat could not be allotted to the petitioner. Learned counsel submits that in fact by changing the data the seat allotted to the petitioner automatically stands cancelled. However, to honour the order of the Court one seat is kept vacant from S.T. category. According to the learned counsel no error has been committed by the respondents.

3. We have considered the submissions canvassed the learned counsel for the respective parties.

4. It is not dispute by Mr. Patil, the learned counsel for the

respondent committee that the proposal seeking validity in respect of tribe certificate of the petitioner is pending with the Committee.

5. The Apex Court in a case of **Kum. Madhuri Patil and others Vs. Additional Commissioner Tribal Development and others**

referred supra has observed as under :

12.

12. (1)

12. "(10) In case of any delay in finalising the proceedings, and in the meanwhile the last date for admission into an education institution or appointment to an officer post, is getting expired, the candidate be admitted by the Principal or such other authority competent in that behalf or appointed on the basis of the social status certificate already issued or an affidavit duly sworn by the parent/guardian/candidate before the competent officer of non -official and such admission or appointment should be only provisional, subject to the result of the enquiry by the Scrutiny Committee."

6. Even the change of data appears to be after allotment of the seat on the ground that as validity certificate is not submitted the petitioner is not allotted the seat on that pretext the petitioner has changed the data. The petitioner, in fact was compelled by the circumstances to change the data.

7. Considering the aforesaid aspects of the matter and the fact that naturally, the petitioner is more meritorious candidate from S.T.

category for the said seat and one seat from the said category is kept vacant, we are inclined to exercise our discretion in favour of the petitioner. In the light of that, we pass the following order:-

O R D E R

- I. The respondents shall give admission to the petitioner to the seat which was initially allotted to the petitioner from S.T. category (which is kept reserved/vacant). The said admission shall be provisional and subject to the decision of the respondent No.2 committee in validation proceeding. The committee shall decide the validation proceeding in respect of the tribe certificate, expeditiously, preferably within six months. The petitioner shall co-operate in expeditious disposal of the said proceedings.
- II. Writ accordingly disposed of with aforesaid observations and directions. No costs.

(V. K. JADHAV, J.)

(S. V. GANGAPURWALA, J.)

