

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

WRIT PETITION NO. 8665 OF 2015

Santosh s/o Digambar Dhondse

.. PETITIONER

VERSUS

The State of Maharashtra
& others

.. RESPONDENTS

Mr. V.B. Dhage, advocate for petitioner.

Mr. N.B. Patil, AGP for the State.

Mr. V.G. Kodale, advocate holding for Mr. V.D. Gunale, advocate for respondent no. 4.

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CORAM : R.M. BORDE &

P. R. BORA, JJ.

DATE : 9th SEPTEMBER, 2015.

PER COURT :

1. Petitioner is claiming admission to General Nursing Male Course for the year 2015. According to petitioner, he belongs to OBC category and has secured more marks than the admitted candidate i.e. respondent no. 4.

2. It is admitted fact that from the date of initiation of process of admission until its completion, petitioner was not possessed of validation certificate. The prospectus published by college laying down regulations for admitting students for the year 2015-2016 permits the college to consider application for admission without submission of validation certificate. However, it is prescribed in paragraph no. 7(2) that the admission claim of a candidate who has forwarded his caste claim to the concerned Scrutiny Committee for verification shall be considered and such candidate would be

granted provisional admission. It would also be obligatory on the part of the candidate to submit validity certificate within specified period after securing admission and, in the event of rejection of his claim, his admission is liable to be cancelled.

3. It is informed by petitioner that the claim of petitioner was forwarded through the college where the petitioner was taking education in 12th standard. However, the proposal tendered by college has been returned back and as such, on the date of presentation of application for admission for General Nursing Male Course and until completion of the process, the proposal in respect of verification of caste certificate was not pending with the Scrutiny Committee. Petitioner does not fulfill the requirement under paragraph no. 7(2) of the prospectus and as such, the college authorities were justified in admitting respondent no. 4 to the course. It is informed that the academic year has commenced and respondent no. 4 has been duly admitted from amongst the reserved category.

4. Petitioner places reliance on the judgment in the matter of Tushar Babanrao Deshmukh Vs. State of Maharashtra and others reported in 2013(3) Mh.L.J. 673. However, facts of the reported matter are totally different and as such, the ratio laid down thereunder is not applicable to the facts of the present case.

5. For the reasons recorded above, no interference is called for in the

instant writ petition. Writ petition is devoid of substance hence stands rejected.

(P. R. BORA)
JUDGE

(R. M. BORDE)
JUDGE

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