

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CAW NO.664/2015 AND CAW NO.1829/2015

IN

WRIT PETITION NO.4558 OF 2013

[Gaurav s/o Ravindra Bais .vs. The Joint Commissioner and Vice Chairman and others]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri S.R. Narnaware, counsel for the petitioner,
Mrs. B.H. Dangre, Government Pleader for the respondent no.1,
Shri A.P. Kalmegh, counsel for the respondent no.2.

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CORAM : SMT. VASANTI A. NAIK AND
A.I.S. CHEEMA, JJ.

DATED : SEPTEMBER 07, 2015.

By the civil application filed by the respondent no.2, the respondent no.2 has sought a direction to the petitioner to pay the difference in fees/balance tuition fees to the respondent no.2. So also, by Civil Application No.1829/2015, the petitioner has sought a direction to the respondent no.2 to issue B.E. (Mechanical Engineering) degree, leaving certificate and original mark-sheet to the petitioner.

The petitioner was taking education in B.E. (Mechanical Engineering) degree course in the respondent no.2-college. His caste claim was invalidated by the order of the scrutiny committee. The order of the scrutiny committee is challenged by the petitioner in the instant petition and this court has issued **Rule** in the writ petition and has also protected the education of the petitioner. The petitioner is seeking the mark-sheet, leaving certificate and the degree certificate from the respondent-management and the University.

It is stated on behalf of the respondent-management that the college is ready to provide the petitioner with the degree, college leaving certificate and the original mark-sheet, provided the petitioner pays the difference of fees in view of the invalidation of his caste claim.

It is stated that after the invalidation of the petitioner's caste claim, the State does not reimburse the fees of the petitioner to the college. It is stated that in case the petition is dismissed in future, it would be very difficult for the management to find out the whereabouts of the petitioner and secure the balance fees.

The request made on behalf of the management is just and reasonable. Though the education of the petitioner is protected, after the invalidation of his caste claim, the petitioner would be required to pay the balance fees to the management. In case the petitioner succeeds in the writ petition, the petitioner would be entitled to reimburse the fees from the State Government and/or the Management. However, since the caste claim of the petitioner is invalidated, the petitioner cannot be heard to state that the petitioner would not be liable to pay the difference of fees.

In the circumstances of the case, the application filed by the management is allowed. The petitioner is directed to pay the difference of fees to the management. On the payment of such fees by the petitioner, the management should release the petitioner mark-sheet, college leaving certificate and degree certificate in favour of the petitioner.

The civil applications are disposed of in the aforesaid terms.

JUDGE

JUDGE