

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

C.A.W. NO.1535/2015 IN WRIT PETITION NO. 1176/2013

(PAYAL SUDHAKAR JAMBHULE **VERSUS** THE S.T. CASTE CERTIFICATE SCRUTINY COMMITTEE,
 GADCHIROLI & OTHERS)

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

Court's or Judge's orders

 Mrs. G.R. Tiwari, counsel for the petitioner.
 Mrs. B.H. Dangre, counsel for the R-1.
 Shri N.R. Rode, A.G.P. for the R-2.
 Shri K.R. Lule, counsel for the R-3 & 4.

CORAM : SMT. VASANTI A. NAIK AND
A.I.S. CHEEMA, JJ.
DATE : AUGUST 27, 2015.

By this civil application, the applicant seeks a direction to the respondent nos.3 and 4 to issue the mark-sheets of the semester examinations and to issue the degree certificate.

Shri Lule, the learned counsel for the respondent no.3- College, states that the petitioner has not paid the fees payable by an open category candidate and the petitioner would be liable to pay the said fees as the caste claim of the petitioner has been invalidated and the petitioner has not produced the caste validity certificate.

Shri Rode, the learned Assistant Government Pleader, states that the Government would not be liable to reimburse the fees of the students securing admission on the basis of their caste claim after the invalidation of their caste claim. It is stated that if this Court directs the Government to pay the fees at this stage, it would be difficult for the Government to recover the fees from the students if the petition ultimately fails.

In the circumstances of the case, we direct the respondent nos.3 and 4 to issue the mark-sheets and the degree certificate to the petitioner if the petitioner pays the difference in fees that are required to be paid in view of the invalidation of the caste claim. It is, however, made clear that if the petitioner succeeds, the petitioner would be entitled to reimburse the fees from the State Government. The mark-sheets and the degree certificates should be issued in favour of the petitioner within a period of fifteen days from the date of payment of the fees by the petitioner.

With the aforesaid directions, the civil application stands disposed of.

JUDGE

JUDGE

APTE