

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

WRIT PETITION NO.6950 OF 2016

Jaishri d/o Kishorsing Thakur,
Age 25 years, Occ. Nil.,
R/o. House No.1-15-463 Renuka Niwas,
Vishnu Nagar, Nanded.

...PETITIONER

VERSUS

1. The Divisional Caste Certificate Scrutiny
Committee No.2 Kolhapur,
Dr.Babasaheb Ambedkar Samajik Nyay Bhawan,
Second Floor, Vichare Mal, Kolhapur,
Dist. Kolhapur,
Through its Research Officer and
Member Secretary, Kolhapur.
2. Shivaji University,
Kolhapur, Dist. Kolhapur,
Through its Registrar.
3. Kolhapur Institute of Technology's
Institute of Management Education & Research
Gokul Shirgaon,
Kolhapur 416 234

...RESPONDENTS

...
Mr. S.V.Kurundkar, Advocate for the petitioner.
Mr. V.M.Kagne, AGP for respondent State.
Mr. S.S.Chaudhari, Advocate for respondent no.2.
Respondent nos. 2 and 3 served.

...
CORAM: R.M.BORDE & P.R.BORA, JJ.

DATE : OCTOBER 1st, 2016

...

P.C.:

1. Heard. Rule. Respective Counsel appearing for respondents waive notice.
2. The petitioner has completed Two Years M.C.A. degree course in the year 2013, however, as a result of her failure to submit caste validation certificate, the University has retrospectively directed cancellation of the admission and informed the petitioner to submit the statements of marks with the office of the University by an order dated 7th May, 2016.
3. The petitioner secured admission to the M.C.A. degree course in respondent no.3 College as against a seat reserved for Vimukta Jati (V.J.) category. The caste validation proposal tendered to the Scrutiny Committee has been rejected by the Scrutiny Committee and the caste certificate has been invalidated.
4. We have perused the order passed by the Scrutiny Committee. We have noticed that there is no contra evidence placed on record before the Committee. The Report of the Vigilance Cell supports the claim of the petitioner. In the circumstances, the decision taken by the

Scrutiny Committee needs to be scrutinized.

5. So far as the order passed by the University directing cancellation of the admission of the petitioner, retrospectively, deserves to be set aside. The order passed by the Registrar of the Kolhapur University on 7th May, 2016, is set aside. The University is directed to declare the results of the petitioner and return necessary documents i.e. all the mark sheets and necessary documents, etc. and also issue post graduation degree certificate to the petitioner. Since the petitioner has already completed the post graduation course, the degree obtained by her needs to be protected in view of the Constitution Bench judgment of the Supreme Court in the case of **State of Maharashtra v. Milind Katware ((2001) 1 SCC 4)**. The University is further directed to declare the results of the petitioner forthwith and shall also return the certificates, as referred to above.

(P.R.BORA)
JUDGE

(R.M.BORDE)
JUDGE

...