

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO. 6644 OF 2016

Sandeep s/o Pralhadrao Hublikar

Petitioner

Versus

The State of Maharashtra
& others

Respondents

Mr. G.D. Kale, advocate for the petitioner
Mr. S.S. Dande, A.G.P. for Respondents 1 & 2.
Mr. R.B. Narwade, advocate for Respondent no. 3.
Mr. Y.V. Kakade, advocate for Respondent no. 4.

**CORAM : R.M.BORDE &
K.K.SONAWANE, JJ.
DATE : 24th October, 2016**

PER COURT:

1 Petitioner claims to belong to “Kshatriya/Patkar” caste, which is included in Other Backward Class category.

2 Petitioner was admitted in Respondent No.3-College and pursuing Degree Course in Engineering as against a seat reserved for Other Backward Class category. The caste certificate issued in favour of the petitioner was referred to the Scrutiny Committee for verification. However, the Scrutiny Committee, after conducting necessary inquiry, by an order dated 15.10.2015, invalidated the caste certificate issued in favour of the petitioner.

3 The petitioner is not serious about raising challenge to the adverse order passed by the Scrutiny Committee and accepts said decision as final and conclusive one.

4 The petitioner has also tendered an undertaking to this Court assuring not to claim any benefits available to the Other Backward

Class category in the matter of education, employment or for any other purposes. The undertaking duly signed by the petitioner is taken on record and marked "X" for identification.

5 Since the petitioner has completed Degree course in engineering, it would not be feasible to withhold benefits accruable to the petitioner pursuant to acquisition of educational qualification by him. Learned Counsel for the petitioner informs that as a result of failure to submit validity certificate, Respondent No.4-University has refused to issue degree certificate and marks memo to the petitioner.

6 Respondent No.4-University is directed to issue degree certificate and marks memo to the petitioner forthwith. If Respondent No.4-University has not declared result of the petitioner, same shall be declared forthwith. The petitioner undertakes to pay difference in the amount of fees payable by an open category student. Learned Counsel for the petitioner, on instructions, states that the petitioner has paid the fees as applicable to the reserved category student and is willing to pay the difference in fees, which is liable to be paid as an open category candidate. On payment of difference in fees, Respondent No.3-College is directed to return all the original documents to the petitioner.

7 With the directions as above, writ petition stands disposed of.

K.K.SONAWANE
JUDGE

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R.M.BORDE
JUDGE