

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10006 OF 2016

SANYUKTA SUBHASH AKOSKAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Anandsingh Bayas
AGP for Respondents: Mr. S.S. Dande.

. . .

CORAM : R.M. BORDE &
K.K. SONAWANE, JJ.

DATE : 25TH OCTOBER, 2016.

PER COURT:

1] The petitioner claims to belong to “Koli Mahadeo Schedule Tribe” and is in receipt of the Tribe Certificate issued by the competent authority certifying accordingly. Petitioner has been admitted to Engineering Degree course in respondent No.4 as against the seat reserved for Scheduled Tribe category. The tribe certificate issued to the petitioner is referred for verification to the respondent No.2 Committee and the proposal is stated to be pending. As a result of failure of the petitioner to submit Validity Certificate, the respondent No.4 college, by issuing order dated 16.6.2016, directed cancellation of the admission of the petitioner.

2] Counsel for petitioner submits that the father, real brother and real uncle of the petitioner have been issued Tribe Validity Certificate by the competent Scrutiny committee and that she has a fair chance of success in the proceedings pending before the respondent No.2 Scrutiny Committee.

3] Considering the facts and circumstances stated above, the adverse order passed by the respondent No.4 College deserves to be quashed

and set aside. Counsel for petitioner states that the respondent No.4 has been served and service affidavit has been presented. However, none appears for respondent No.4.

4] In the circumstances, this petition can be disposed by directing the respondent No.2 Committee to take decision in respect of tribe certificate verification proposal of the petitioner pending with it, as expeditiously as possible, preferably within one year from today and it is accordingly directed.

5] The petitioner undertakes to cooperate the Scrutiny Committee for expeditious disposal of her Tribe Verification Claim proposal. The order passed by the respondent No.4 college canceling the admission of the petitioner is quashed and set aside and the respondent No.4 College is directed to consider the claim of the petitioner for admission to the Engineering Degree course for the next year, in accordance with the relevant regulations. Respondent No.4, however, shall not deny admission to the petitioner solely on the ground of her failure to submit Tribe Validity Certificate.

6] With directions as above, writ petition is disposed of.

[K.K.SONAWANE]
JUDGE

[R.M. BORDE]
JUDGE

grt/-