

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

WRIT PETITION NO. 10315 OF 2015

Rushikesh S/o Ramesh Bhosale,
Age : 21 Years, Occu. : Education,
Faculty of Engineer, Nanded Road,
Kolpa, Latur, Dist. : Latur. .. Petitioner

Versus

1. The State of Maharashtra,
Through : The Secretary,
General Administration Department,
Mantralaya, Mumbai.
2. The Director of Technical Education,
3, Mahapalika Marg, Mumbai.
3. Swami Ramanand Teerth Marathwada
University, Nanded.
4. The Sub-Divisional Officer,
Latur.
5. Sandipani Technical Campus
Faculty of Engineer, Nanded Road,
Kolpa, Latur, Dist. : Latur,
Through its Principal. .. Respondents

Shri Manish P. Tripathi, Advocate for the Petitioner.
Shri A. P. Basarkar, A. G. P. for Respondent Nos. 1, 2 and 4.
Shri R. B. Dhaware h/f Shri Uday S. Malte, Advocate for the
Respondent No. 3.

**CORAM : S. V. GANGAPURWALA AND
A. M. BADAR, JJ.
DATE : 18TH FEBRUARY, 2016.**

ORAL JUDGMENT (*Per S. V. Gangapurwala, J.*) :-

. Mr. Tripathi, the learned counsel submits that, the petitioner is admitted to the First year Civil Engineering Course from Economically and Socially Backward Category (ESBC) category on 11.08.2014. This Court granted stay to the said Government Resolution dated 15.07.2014 on 14.11.2014. The Government Resolution dated 21st February, 2015 provides that if admission is taken prior to the stay granted by this Court, then the petitioners would be issued necessary caste certificate. However, petitioner is not being issued with the same.

2. The learned Assistant Government Pleader submits that as the stay was granted by this Court, the protection granted by the Government Resolution dated 21st February, 2015 is only to those candidates who had already taken admission.

3. We have heard the learned counsel for the respondent No. 3 also.

4. From the document produced on record, it appears that the petitioner is admitted in the First Year Civil Engineer Course from ESBC (Maratha) Category on 11.08.2014. The said

reservation was provided vide government Resolution of 15th July, 2014. The said Government Resolution is stayed by the order of this Court dated 14.11.2014. The Government Resolution dated 21st February, 2015 makes it abundantly clear that admission taken prior to the stay being granted by this Court, then the same is protected and shall not be cancelled and the issuance of caste certificate shall be done on consideration of the merits of the matter.

5. In view of that, the communication dated 07.09.2015 rejecting the application of the petitioner for issuance of caste certificate is quashed and set aside. The respondents shall decide the application of the petitioner for issuance of caste certificate on its own merits, in accordance with law, expeditiously and preferably within a period four (4) months from today. Till the said application is decided the admission of the petitioner shall not be cancelled only on the ground that caste certificate is not produced.

Sd/-

[A. M. BADAR, J.]

Sd/-

[S. V. GANGAPURWALA, J.]