IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATTE JURISDICTION

WRIT PETITION NO.10698 OF 2016
(Production Board Dt. 29/09/2016)

Sayyad Almas Begum Mohd. Riyaz ...Petitioner
vs.
The Divisional Caste Certificate Validation Committee No. 1, Solapur and Others ...Respondents

Mr. Bhooshan Mandlik i/b. Mr. S.S. Patwardhan, for the Petitioner
Mrs. Rupali Shinde, AGP for Respondent No. 1.
Mr. I.M. Khardli, for Respondent No. 2.

CORAM : SHANTANU KEMKAR &
MAKARAND KARNIK, JJ.

DATE : **SEPTEMBER 30, 2016**

P.C.:

. Not on board. Upon mentioning taken on board.

2. Parties through their counsel.

3. By filing this Petition under Article 226 of the Constitution of India, the Petitioner has challenged the order dated 12th May, 2015 passed by the Respondent – Divisional Caste Certificate Validation Committee No. 1, Solapur (in short "*the Committee*").

4. In the impugned order the reason assigned for non consideration of the Petitioner's claim for validation of his caste certificate is the course in which the Petitioner had taken admission does not require the validation of caste certificate.

5. The learned counsel for the Petitioner submits that it is not open for the Committee to reject the claim by saying that for a particular course the validation certificate is not required. The Petitioner being a person from Momin (OBC) category, he applied for caste validation certificate which may be used by him for various purposes.

6. On the other hand, the learned AGP has opposed the submission made by the learned counsel for the Petitioner.

7. Having considered the submissions made by the parties, we are of the view that the reason assigned in the impugned order dated 12th May, 2015 is not sustainable. The Committee denied the consideration and grant of caste validation certificate by observing that it is not required for a particular course. The Committee is

supposed to decide the caste validation claim on its own merits in accordance with law and cannot deny consideration by saying it is not required for a particular purpose.

8. In the circumstances, we have no option but to quash the order dated 12th May, 2015 and remand the matter back to the Committee for deciding the Petitioner's claim afresh. The Committee is directed to decide the Petitioner's claim on merits within three months from the date of receipt of copy of this order.

9. It has been pointed out by the learned counsel for the Petitioner that the Petitioner has been granted admission on the basis of caste certificate of the Petitioner being of Momin (OBC) category and now Respondent No. 2 College is not accepting the Petitioner's examination form and to pursue further study of B-Pharmacy as the Committee has rejcted the Petitioner's claim.

10. Keeping in view as aforesaid, we direct Respondent No. 2 to allow the Petitioner to fill-up the examination form treating him to be of Momin (OBC) caste and Respondent No. 3 - Solapur University

is directed to accept the Petitioner's examination form if the same is submitted within a week from today. However, this will be subject to the final result of the Committee and in case the Petitioner fails before the Committee the consequences shall follow and the Petitioner shall not be entitled to claim any equity.

11. The Petition stands disposed of as such.

(MAKARAND KARNIK, J.) (SHANTANU KEMKAR, J.)