

WITH
CIVIL APPLICATION NO. 2836 OF 2015

original mark-sheet of the applicant for examination of Semester VIII of Engineering Degree Course and to handover the provisional degree certificate and other original documents lying with the respondents.

3) Strictly speaking, such an application and which is based on a distinct cause of action could not have been entertained. However, what we have found and which is peculiar to this case that respondent no. 4 college and respondent no. 5 university are maintaining that the moment the caste validity certificate is refused, the admission in the category of reserved category comes to an end. The petitioner, thus, cannot continue the studies and he has not complied with the condition, which he has voluntarily accepted, of submission of the caste validity certificate.

4) The petitioner has availed of a legal remedy to challenge the order passed by the scrutiny committee. This Court, on 9th March, 2015, while issuing notice, directed respondent no. 4 to forward his application for the examination of Semester VIII and to allow the petitioner to appear in the examination. That is how the petitioner has appeared. He has cleared the Semester VIII examination. However, when he approached respondent no. 4 college for collecting the mark-

sheet, it issued him letter dated 30th July, 2015 informing him that his result of Semester VIII has been kept under Result Reserved for Lower Examination. The petitioner/applicant pointed out to the university that he has cleared all the semesters successfully and therefore, his mark-sheet for Semester VIII be released. The university, then, informed him that he has to submit the application for release of mark-sheet of Semester VIII along with mark-sheets of Semester III to VII. That is how he has submitted details of all the semesters with copies of the mark-sheets. He approached the university. In these circumstances, we had called upon respondent nos. 4 and 5 to place their affidavit.

5) Respondent no. 4 college maintains the stand noted above, namely, that the admission itself is not valid for want of compliance with the mandatory condition. Throughout, we have been noticing that in the affidavits and the oral arguments, such respondents complain that parties like the petitioner obtain and secure interim orders. We wish to impress upon the counsel and the deponents of such affidavits that the court orders have to be accepted and use of such phraseology would visit them with serious legal consequences in future. Nobody can obtain the order from courts and secure it. The court passes it on hearing

the counsel and on satisfaction which is reached after perusing relevant materials. Therefore, anybody who is aggrieved and dissatisfied with an *ex-parte* interim order or an interim order has remedies to have it vacated either by approaching the same court or a higher court. We do not find any such attempt being made. We do not, therefore, countenance the submissions and which would require us to go behind the interim order passed by this court on 9th March, 2015 and confirmed on 27th March, 2015. We would, therefore, direct the university to release all the mark-sheets and degree certificates and in original within a period of four weeks from the date of receipt of a copy of this order.

6) We clarify that this order and direction does not mean that the petitioner's claim has been accepted by this court or the final reliefs have been granted. The concessions as are given above are tentative and *prima facie* and will have to abide by the final orders in the writ petition.

6) The civil application is disposed of.

(DR. SHALINI PHANSALKAR-JOSHI, J.) (S.C.DHARMADHIKARI, J.)