

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION NO.1567 OF 2016
IN WRIT PETITION NO.5164 OF 2013

(Kunal s/o Sewak Saosakade vs. The Scheduled Tribe Caste Certificate Scrutiny Committee and others)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders Court's or Judge's orders
or directions and Registrar's orders.

Ms. P. Rane, Advocate for applicant/petitioner.
Shri N.R. Patil, Assistant Government Pleader for
respondent nos.1 and 3.
Shri P.D. Meghe, Advocate for respondent no.2.

CORAM : B.P. DHARMADHIKARI AND
KUM. INDIRA JAIN, JJ.

DATED : JULY 28, 2016

Heard learned Counsel for the parties.

The order invalidating caste claim of applicant/petitioner as “Mana” (Scheduled Tribe) is already stayed by this Court. The applicant has completed his education and is seeking interim directions to respondent no.2 College to return his original documents.

It is not in dispute that caste claims of father and one other relative on paternal side of applicant have been validated.

Adv. Meghe appearing for respondent

no.2 College has pointed out that fees of applicant for first three years are already reimbursed by the Government. However, reimbursement for last year is still to be received. In case caste claim of applicant is invalidated and reimbursement is not possible, applicant may be directed to pay the fees. He further submits that appropriate orders be passed to safeguard return of documents also.

Adv. Rane has invited our attention to orders passed in similar matters. She submits that after obtaining necessary undertaking, applications have been allowed.

Adv. Patil, learned Assistant Government Pleader is opposing grant of any relief.

In view of orders passed by this Court earlier in similar matters and caste validities in the family of applicant/petitioner, we are inclined to direct respondent no.2 to return the necessary original papers of applicant/petitioner to him at the earliest. He shall file an undertaking with respondent no.2 as also on record of this writ petition within two weeks from today that in case writ petition is dismissed, he shall reimburse to College/State Government such amount as in that event may be found due and payable. Similarly, subject to orders then passed, he shall also return the mark-sheet and degree, if any,

conferred upon him by Nagpur University.

If such undertaking is filed, respondent no.2 shall thereafter within next one week return all original papers to applicant/petitioner.

The civil application is accordingly allowed and disposed of.

JUDGE

JUDGE

khj

CERTIFICATE

I certify that this order uploaded is a true and correct copy of original signed order.

Uploaded by :

Kamal H. Jeswani
Private Secretary

Uploaded on :

29/07/2016