

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 5886/2016
 (NITIN SUNIL KENWADKAR **VERSUS** THE DIVISIONAL CASTE CERTIFICATE SCRUTINY
 COMMITTEE, AMRAVATI & OTHERS)

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

Court's or Judge's orders

Shri R.N. Ghuge, counsel for the petitioner.
 Ms T. Khan, A.G.P. for the R-1.

CORAM : SMT. VASANTI A NAIK AND
MRS. SWAPNA JOSHI, JJ.

DATE : NOVEMBER 18, 2016.

By this writ petition, the petitioner seeks a direction against the scrutiny committee to decide the caste claim of the petitioner within a time frame. The petitioner seeks a direction against the university and the college to protect the education of the petitioner till his caste claim is decided.

The petitioner was admitted in the B.E. (Civil Engineering) course in the college at Pusad on a seat that was earmarked for the Other Backward Classes. The petitioner submitted his caste claim to the scrutiny committee for verification but, the scrutiny committee has not decided the caste claim. Since the college and the university were not protecting the education of the petitioner in the absence of production of a caste validity certificate, the petitioner has filed the instant petition for a direction to the scrutiny committee to decide the caste claim of the petitioner within a time frame and for a direction against the university and the college to protect his education till his caste claim is decided.

Ms Khan, the learned Assistant Government Pleader appearing for the respondent no.1-Scrutiny Committee, states on instructions that the caste claim of the petitioner is pending before the scrutiny committee and some time would be required to decide the same as the same was submitted to the scrutiny committee recently. It is stated that reasonable time may be granted to the scrutiny committee to decide the caste claim.

From the statement made by the learned Assistant Government Pleader, it is clear that the caste claim of the petitioner is still pending and, hence, the petitioner cannot be penalised for not producing the caste validity certificate.

Hence, for the reasons aforesaid, the writ petition is allowed. The respondent no.1-Scrutiny Committee is directed to decide the caste claim of the petitioner within fifteen months from the date of appearance of the petitioner before the scrutiny committee. The petitioner undertakes to appear before the scrutiny committee on 19.12.2016 so that issuance of notice to the petitioner could be dispensed with. Since the petitioner was not at fault in not producing the caste validity certificate, the education of the petitioner is protected till his caste claim is decided. This would mean that the petitioner should be permitted to attend the classes, appear at the examinations and the result of the petitioner should be declared if there is no other impediment in doing so.

Order accordingly. No costs.

JUDGE

JUDGE