

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

WRIT PETITION NO. 7632 OF 2016

Pooja d/o Angad Biradar,
Age - 21 years, Occu. : Education,
Sandipani Technical Campus
Faculty of Engineering, Latur,
Tq. & 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 M. B. Bharaswadkar, A.G.P. for Respondent Nos. 1, 2 and 4.
None present for the Respondent No. 3.

**CORAM : S. V. GANGAPURWALA AND
K. L. WADANE, JJ.
DATE : 09TH JANUARY, 2017.**

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

. Leave to amend.

2. Rule. Rule made returnable forthwith. With the consent of parties taken up for final hearing.

3. Mr. Tripathi, the learned counsel submits that, the petitioner is admitted to the First year Computer Engineering Course from Economically and Socially Backward Category (ESBC) category on 02.09.2014. 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.

4. 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.

5. From the document produced on record, it appears that the petitioner is admitted in the First Year Computer Engineer

Course from ESBC (Maratha) Category on 02.09.2014. 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.

6. In view of that, the communication dated 31.03.2016 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.

Rule is made absolute in above terms. No costs.

Sd/-

[K. L. WADANE, J.]

Sd/-

[S. V. GANGAPURWALA, J.]