

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8549 OF 2017

Jagdish Narayan Pawar

.. Petitioner

VS.

The State of Maharashtra and others

.. Respondents

Mr. Vinod P. Patil, Advocate for the petitioner

Mr. P.S. Patil, A.G.P. for the respondent/State

**CORAM : S.C. DHARMADHIKARI &
MANGESH S. PATIL, JJ.**

DATE : 05-07-2017

ORAL ORDER :

1. Heard both sides.
2. The petitioner's Advocate tenders an undertaking of the petitioner.
3. The petitioner claims that he has completed his 12th Standard Higher Secondary Course from Kendriya Vidyalaya, Haldiya, West Bengal. The petitioner's father is in a transferable job, namely, Central Industrial Security Force (CISF). Once there is a transfer and every four years, then, the petitioner who is originally

claiming to be resident of village Padhwad, Tq. Sindhkheda, Dist. - Dhule, can still participate in the Admission process / Online process commenced by the Directorate of Medical Education and Research. The petitioner be allowed to participate in the Counseling Session, to be held on 10th July, 2017.

4. The petitioner undertakes before this Court to approach the Caste Certificate Scrutiny Committee at Dhule and tender his Caste Certificate for scrutiny.

5. Though the petitioner is directly approaching that Committee, in the peculiar facts and circumstances, we direct the Caste Certificate Scrutiny Committee at Dhule to accept his certificate and commence the process of verification of the claim of the petitioner, in accordance with The Maharashtra Scheduled Castes, Scheduled Tribes, De-Notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 (Maharashtra Act no. 23 of 2001).

6. We do not think that there is any impediment or prohibition in the petitioner going on and attending the Counseling

Session on 10th July, 2017. That the petitioner was under an impression and genuine apprehension that because he does not possess the Caste Validity Certificate nor his Caste Certificate has been forwarded by the Kendriya Vidyalaya, West Bengal to the Caste Certificate Scrutiny Committee at Dhule, he will not be allowed to participate in the ongoing admission process, that aspect is taken care of, because of his undertaking. That undertaking is accepted by us, simply because the petitioner is placed in peculiar situation and circumstances. The school at West Bengal nor the Authorities in West Bengal are bound by the Maharashtra Act no. 23 of 2001. Therefore, the certificate was not forwarded. Now that the petitioner is himself going to attend the Caste Certificate Scrutiny Committee's Office at Dhule and tender the Certificate for verification of the claim, that requirement should not come in his way of attending the Counseling Session. The undertaking is taken on record.

7. The Writ Petition is disposed of accordingly.

[MANGESH S. PATIL]
JUDGE

[S.C. DHARMADHIKARI]
JUDGE

arp/