

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

WRIT PETITION NO. 8972 OF 2017

**AARTI KADUBA BAWASKAR
VERSUS
THE S.T.CERTIFICATE SCRUTINY COMMITTEE AURANGABAD
THROUGH ITS MEMBER SECRETARY AND ANIOTHER**

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**Advocate for Petitioner : Mr.S.S.Phatale
AGP for Respondents: Mr.S.G.Karlekar**

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

DATE : 14/07/2017

PER COURT :-

1] The petitioner was admitted to the Second Year Polytechnic college for a Diploma Course in Engineering [Electrical].

2] The petitioner was admitted against a reserved seat. She claims that she belongs to Thakur [S.T.]. The admission was based on a tribe certificate. The petitioners proposal for verification came to be forwarded through the college to the scrutiny committee. The scrutiny committee is yet to decide the matter. In the meanwhile, the petitioner has completed her Diploma Course. However, the college is refusing the relevant/transfer certificate nor is handing over the

original documents.

3] The petitioner is not to be blamed if the committee has taken its own time to scrutinise and verify the claim. The petitioner states that her real brother was issued a certificate of validity by second respondent committee.

4] The petitioner not only appeared for her semester examinations but from the time she was admitted she has diligently and successfully prosecuted her studies. She has passed her examination in First class. Results are declared on 8/6/2017, however, the transfer certificate and the original documents are not handed over to the petitioner which has resulted in the petitioner not being able to secure admission for second year Engineering course from the S.T. Category. Thus, after having obtained the diploma she qualifies for second year degree course. To be admitted to that degree course against a reserved seat, she requires all these documents.

5] We therefore, direct that the petitioner's admission though conditional upon her production of validity certificate she having completed her diploma course, her transfer certificate and all original documents be handed over to her so as to enable her to prosecute her further studies. The order and direction is passed in the peculiar facts of this case. The scrutiny committee shall expedite the proceedings before it. The admission and appearance at the examination so also the diploma certificate are subject to the final orders of the scrutiny committee. No equities can be claimed by the petitioner.

6] This order is passed after it is brought to our notice that a private service has been effected on respondent no.3. Nobody appeared on behalf of the Principal, P.E.S. College, Aurangabad. The petitioner's advocate shall undertake to file affidavit proving the service within one week from today.

(MANGESH S. PATIL,J.)

(S.C.DHARMADHIKARI,J.)

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