

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

WRIT PETITION NO. 9235 OF 2017

HEMANT DILEEP THAKUR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Shri A S Golegaonkar.
AGP for Respondents/ State : Shri P.S.Patil.
...

**CORAM: S.C. DHARMADHIKARI
AND
SANGITRAO S. PATIL, JJ.**

DATE :- 20th July, 2017

PC.:

1 Having heard both sides and finding that on 07.07.2017 the Petitioner has been informed by the Government Engineering College, Jalgaon that though he was admitted to the First Year Engineering Course (Electrical) against a reserved seat from the Academic Year 2012-2013, he has still not placed on record the Caste Validity Certificate issued by the competent Scrutiny Committee. Though the Petitioner had approached this Court and the Scrutiny Committee was directed to expeditiously dispose of the matter, it is common ground that prior thereto and even subsequently, the Scrutiny Committee has been informing that the proposal is received on 23.12.2011, however, the verification is going on and it would not be concluded without adherence to 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.XXIII of 2001) and the Rules framed thereunder. Even on 06.02.2016 the Petitioner was informed in writing that scrutiny and verification is still pending. This is going on and on 16.07.2016 also, the Scrutiny Committee informed the Petitioner in writing that it is unable to conclude the process of verification under the Act No.XXIII of 2001.

2 Today, the Petitioner has completed Bachelor of Engineering (Electrical) course. The University has withheld the results of the final year and the College has also not released the mark memos, degree certificates and original documents submitted at the time of admission.

3 On perusal of this petition and annexures thereto, we are of the clear view that though this Court directed the Scrutiny Committee to conclude the proceedings within a period of one year from 26.09.2014, the verification is incomplete. The proceedings are not concluded by the Scrutiny Committee and no final order is passed till 17.07.2017.

4 We are informed that a final order will not be passed in the near future as the Scrutiny Committee has lot of pending cases on it's file. In the circumstances, we do not think that the Petitioner's education can be disrupted or interfered with. The Petitioner has subjected himself to the process of verification of his caste claim under the said Act and he and his

family is ready for verification of the caste claim. It is the Scrutiny Committee which is to be blamed for it has not been able to find time to complete the process and pass a reasoned order.

5 In the circumstances, this Writ Petition is disposed of with a direction that the Petitioner's results be declared and his mark memos be released. If the Petitioner has cleared all examinations and in the subjects as per the curriculum, then, in terms of the Rules, the University shall also issue the degree certificate. The College shall also release all original documents to the Petitioner so as to enable him to take admission for the Master Degree course.

6 However, we clarify that this is subject to the order passed by the Scrutiny Committee. In the event, the claim is invalidated, all consequences in terms of the said Act of 2001 shall follow and then, admission itself stands nullified and from inception. Thereafter, no sanctity can be attached to the Petitioner's appearance in the examinations, clearance thereof and degree certificates obtained. This direction does not mean that the order of the Scrutiny Committee gains such a finality that it cannot be challenged in writ jurisdiction. That challenge is kept open.