

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

WRIT PETITION NO. 9263 OF 2017

**SAGAR VITTHAL KOLI
VERSUS
SCHEDULED TRIBE CERTIFICATE SCRUTINY COMMITTEE NANDURBAR
AND OTHERS.**

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Advocate for Petitioner : Shri Phatale Sagar S.
AGP for Respondents/ State : Shri D.R.Kale.
Advocate for Respondent 2 : Shri Y.B.Bolkar.

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

DATE :- 20th July, 2017

PC.:

- 1 Not on Board. Mentioned. Taken on the Production Board.
- 2 Having heard both sides, we find that the North Maharashtra University and the College of Pharmacy, both cannot insist on the Petitioner immediately producing the certificate of validity. The Petitioner has informed the College that the proposal of verification of the caste claim is pending with the Scrutiny Committee since 18.01.2017. The Petitioner is not responsible for the delay in verification and scrutiny of the claim. Now the Petitioner is not allowed to continue his education as a Scheduled Tribe candidate at reduced fees though having cleared First Year of Bachelor of Pharmacy course. The Petitioner is now waiting for admission to the second year.
- 3 After having heard both sides and perusing the petition, we find that the insistence of the College in this case is on par with some other Engineering Colleges and other Institutions in the State. They have

been issuing such letters/ notices to the students. The Director of Technical Education, as also, other Directorates have been clarifying the matter, but the Colleges refuse to abide by such clarifications. The Government and the Directorates have clarified that students should not be harassed midterm in this manner. They should be allowed to continue their studies if they are not responsible for the delay in verification of their caste/ tribe claims pending before the competent Scrutiny Committees.

4 In such circumstances, going by the clear Government directives, we are of the opinion that Respondent No.3/ College should admit the Petitioner to the Second Year of the course of B.Pharm. Respondent No.2 /University and Respondent No.3/ College shall treat the Petitioner as a bonafide student and allow him to continue his studies for the degree course. However, this will be subject to the Petitioner producing the validity certificate from the competent Scrutiny Committee. However, if the claim is refused by the Scrutiny Committee, then, subject to such orders passed by the competent court, the Petitioner be allowed to continue his studies. The Petitioner shall not claim any equities in the event his claim is invalidated.

5 The Writ Petition is, accordingly, disposed of.