

Writ Petition NO. 11449 OF 2016

Mr. C. P. Yadav, AGP for the Respondent Nos. 1 and 2.

DATE : JULY 20, 2017

2. Petitioner has approached this Court seeking direction to Respondent No. 3, to forthwith hand over her mark sheet of the final year engineering degree course examination held in May, 2016.

3. Petitioner has applied to Respondent No. 2 Committee for verification of her caste certificate since she was admitted in the second year of engineering degree course during the academic year 2013-14.

4. Since the Petitioner's admission was sought to be cancelled on the ground that she did not possess the caste validity certificate, she has approached this Court by filing Writ Petition No. 7195 of 2014. This Court by an order dated 21st November, 2015 directed the Scrutiny Committee to decide the claim of the Petitioner and till decision of the said Committee, Respondent No. 3 College was directed not to take coercive steps against the Petitioner.

5. Petitioner has now completed her entire engineering degree course. However, in spite of directions issued by this Court, the Scrutiny Committee has not yet decided claim of the Petitioner. On the other hand, Respondent No. 3 is refusing to hand over the mark-sheet to the Petitioner.

6. Though notice is duly served, none appears for Respondent Nos. 3 and 4.

7. This petition arises out of peculiar circumstance, since though the Petitioner has completed her engineering degree course, she is not being handed over mark-sheet, as her claim regarding caste validity is pending before the Scrutiny Committee.

8. It is not in the hands of the Petitioner as to within how much time, the Scrutiny Committee should decide the claim of the candidate. If the Scrutiny Committee, in spite of directions issued by this Court, does not decide the claim of the Petitioner, Petitioner cannot be penalised for the same. Taking into considering the peculiar facts and circumstances of the case, we are inclined to allow the petition directing Respondent Nos. 3 and 4 to hand over mark-sheet of the 3rd and 4th year engineering degree examination of the Petitioner within a period of two weeks from today. Respondent No. 4 is directed to issue degree certificate in the event Petitioner has cleared the examinations. However, it shall be subject to the outcome of the proceeding before Scrutiny Committee. Writ petition is accordingly disposed of in the aforesaid terms.

Sd/-
[RIYAZ I. CHAGLA, J.]

Sd/-
[B. R. GAVAI, J.]