

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO. 10701 OF 2018

Kiran s/o nagnath Malgire

Petitioner

Versus

The State of Maharashtra
& others

Respondents

R.D. Biradar, advocate for petitioner.
Mr. P.S. Patil, AGP for respondent no. 1.

**CORAM : R.M.BORDE AND
MANGESH S. PATIL, JJ.
DATE : 16th October, 2018.**

PER COURT :

1. The petitioner is objecting to the order passed by the respondent no. 4 cancelling his admission to the second year Engineering degree course on account of failure of the petitioner to submit validation certificate within the prescribed period.

2. It is not a matter of controversy that last date prescribed for submission of the caste/tribe validity certificate by the admission regulating authority was 31.08.2018. The petitioner, however, was issued validation certificate by the Scrutiny Committee on 12.09.2018 and as such he was unable to tender the same within the stipulated period. In the meanwhile, the admission granted to the petitioner to second year Engineering course came to be cancelled by the college. The petitioner contends that since he is possessed of the validation certificate, his claim for admission to the second year Engineering degree course shall be considered

favourably and the order directing cancellation of admission issued by respondent no. 4 shall be quashed and set aside.

3. It is pointed out by learned AGP that in view of provisions of the Ordinance dated 24.06.2018 and more specifically the amended section 4A(4) of 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, the petitioner's claim can be considered for admission to Engineering course against open category on account of failure to submit validation certificate before the stipulated date i.e. 31.08.2018. It is further pointed out that 31.08.2018 was the last date prescribed by the competent authority for securing admission to the Engineering course. Section 4A(3) provides that upon failure to produce validity certificate on or before such date specified by the Admission Regulating Authority under Sub-section 2 of Section 4A, the provisional admission secured, if any against reserved seat shall be deemed to be cancelled. Sub-section 4 of Section 4A provides that nothing in sub-section (3) shall be construed as preventing the relevant authority for considering such person eligible for admission to the professional course, from the open category in accordance with the law for the time being in force.

4. In view of sub-section 3 of Section 4A, the claim of the petitioner for admission to second year Engineering degree course as against reserved seat cannot be considered on account of his failure to submit validation certificate prior to last date prescribed

by the competent authority for submitting the caste validation certificate. The petitioner however, can be considered as a candidate belonging to open category for the purpose of admission to the professional course in accordance with sub-section 4 of Section 4A of the Ordinance referred to above. It would be open for the competent authority to consider the name of the petitioner for admission as open category candidate.

4. In view of above, writ petition stands disposed of.

MANGESH S. PATIL
JUDGE

R.M.BORDE
JUDGE

dyb