

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.1674 OF 2015

[Sagar s/o Madhav Suryawanshi .vs. Committee for Scrutiny and Verification of Tribe Claims, Amravati
 Division, Amravati]

 Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

 Shri C.S. Kaptan, Senior Counsel with Shri Saboo, counsel for the petitioner,
 Shri V.P. Maldhure, AGP for respondent nos.1 to 3-State,
 Ms N.G. Chaubey, counsel for respondent no.4.

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CORAM : SMT. VASANTI A NAIK AND
MRS. SWAPNA JOSHI, JJ.

DATED : APRIL 05, 2018.

CIVIL APPLICATION [W] NO.605 OF 2018

By this civil application, the applicant-petitioner seeks a direction to the non-applicants-respondents to consider the application of the petitioner for registration and grant him admission to the post graduate course in MD/MS/Diploma/DNB against the seat reserved for the scheduled tribes.

The applicant-petitioner has challenged the order of the scrutiny committee invalidating his caste claim of belonging to 'Thakur' Scheduled Tribe in this writ petition. According to the petitioner since the writ petition filed by the petitioner is admitted and the petitioner has a *prima facie* case, a direction needs to be issued against the respondent nos.2 to 4 to consider the claim of the petitioner for admission to post graduate course in MD/MS/Diploma/DNB in the year 2018-19 on a seat reserved for the scheduled tribes.

It appears from the order of the Hon'ble Supreme Court in Civil Appeal Nos.112344/2017 and 114551/2017 dated 6.9.2017 that the High Court is restrained from passing any order protecting the education of the students during the pendency of the writ petitions. In view of the said order of the Hon'ble

Supreme Court admissions were not granted in the MBBS/MD/MS courses during the academic session 2017-18 to the candidates whose caste claims were invalidated and whose petitions are pending. The aforesaid order of the Hon'ble Supreme Court and the order of the Supreme Court dated 4.8.2017 staying the order of the Division Bench of the High Court at Aurangabad dated 12.7.2017 was considered by this court in Writ Petition No.7027/2017 and by the order dated 26.3.2018, the interim protection granted to the education of the petitioner in the said case was withdrawn by vacating the stay order. We further find that in pursuance of the order of the Hon'ble Supreme Court, the State Government has issued a notice dated 7.8.2017 in respect of admissions to medical courses as per NEET-UG-2017 clearly mentioning therein that as per the direction of the Hon'ble Supreme Court, even admissions granted to the candidates who do not possess a caste validity certificate should be cancelled and such candidates should be treated as candidates from the general category. If the admissions are required to be cancelled in the absence of the caste validity certificate, there would be no propriety in granting admission to the post graduate courses on a seat earmarked for the reserved category in the absence of a caste validity certificate.

In the result, we reject the prayer made in the civil application. The civil application stands disposed of accordingly.

JUDGE

JUDGE