

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

**WRIT PETITION NO.1029 OF 2019
RUSHIKESH ASHOK RAJE THROUGH FATHER ASHOK KONDIRAM RAJE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr.Sunil M. Vibhute, Advocate for the petitioner.
Mr.A.R. Kale, AGP for respondent/State.
Mr.G.K. Thigle, Advocate for respondent No.5.

**CORAM : PRASANNA B. VARALE &
S.M.GAVHANE, JJ.
DATED : 23.01.2019**

P.C. :-

1. Heard learned Counsel Mr.Vibhute for the petitioner. The petitioner after completing his 12th standard course, was desirous of seeking admission to the professional courses and accordingly applied for admission to Engineering course. The petitioner belongs to Koli-Mahadev – Scheduled Tribe. The Caste Certificate issued in favour of the petitioner through the Sub-Divisional Officer, Nilanga dated 17.10.2015 is placed on record at Exh."A". The petitioner submitted his claim to the competent Scrutiny Committee for validation and the same is pending before the Committee. It is submitted

that inspite of repeated requests to the committee, the claim is not decided till date. The petitioner was served with order dated 14.01.2019 issued by respondent No.5 – College, thereby the admission of the petitioner is cancelled. Learned Counsel for the petitioner prayed for directions to decide the claim pending for validation before the Committee, expeditiously and further prayed for protection of his academic career. This being the limited grievance, the petition is taken up for hearing disposal.

2. The respondent Nos. 1 to 4 – authorities are being represented through the learned AGP. Learned Counsel Mr.G.K. Thigle appears for respondent No.5. Learned Counsel for respondent No.5 submitted that respondent No.5 is bound by the directions issued by the Chairman, Admission Regulatory Authority and is being empowered to extend the period for submission of caste validity certificate. It was the submission of learned Counsel appearing for the petitioner that the petitioner

as a student can only submit his claim along with necessary documents supporting the claim of the petitioner and it is for the Committee to decide the claim as early as possible. In the process of decision, the petitioner has no role to play except substantiating his claim with documentary material or other material in the form of submission or the vigilance report. It is not in dispute that large number of claims are pending before the Committee for validation and student has very limited role to play in the matter of early decision by the Committee. Learned Counsel was also justified in submitting before us that respondent No.5 cancelled admission with immediate effect by taking recourse to the provisions as if the claim of the petitioner is invalidated.

3. Considering these facts, we are of the opinion that the petition can be disposed of with directions to respondent No.3 – Committee to decide the claim of the petitioner for validation, as early as possible, not

later than 12 weeks from the date of order of this Court. Till decision of the committee, respondent No.5 not to take any coercive steps in furtherance of communication dated 14.01.2019. We further make it clear that the petitioner is required to pay all the requisite tuition fees or the academic fees for continuation of his Engineering course. Respondent No.5 is at liberty to take appropriate steps in case the claim of the petitioner is invalidated. At the same time the petitioner is at liberty to challenge the decision of invalidation before the appropriate forum. The Counsel for the petitioner submits that the petitioner would appear before the Committee on 04.02.2019 at 11.00 a.m.

4. With these directions, the writ petition is disposed of.

[S.M.GAVHANE, J.]

[PRASANNA B. VARALE, J.]