

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10362 OF 2019

SAMIKSHA SHRIKRISHNA KHARMATE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Bangar Nilkanth P.
AGP for Respondents No. 1 to 3 : Mr. S. B. Yawalkar
Advocate for Respondent No. 6 : Mr. S. G. Karlekar

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CORAM: S. V. GANGAPURWALA &
ANIL S. KILOR, JJ.

DATE: 03rd SEPTEMBER, 2019

PER COURT:

1. The learned counsel for the petitioner submits that the petitioner has been issued with the validity certificate as belonging to Vanjari caste N.T.(D). The petitioner did not possess the validity certificate at the relevant time as such the petitioner was shown as admitted from open competition category. However, the petitioner has subsequently received the validity certificate. The learned counsel submits that the Apex Court has passed the following order -

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*Learned Chief Justice of the High Court
is requested to constitute one Bench to hear*

the matters and assign the cases to the said Bench so that uniformity is maintained. All the cases shall be heard at the Principal bench at Mumbai. The admission shall take place within a week after the judgment is pronounced by the High Court and the date of admission is extended to that date. The candidates who have got the certificate of validity by virtue of the High Court order shall be admitted and the vacant seats can be filled up from amongst the students who have got the certificate of validity. The Medical Council of India shall intimate this order to the concerned educational institution. We order accordingly.

We also pass the following directions :

(a) The persons who are aggrieved by the order of the scheduled Tribe Caste Certificate Scrutiny Committee may approach the High Court by 16.08.2019.

(b) Learned Advocate General or his associate shall remain personally present in the High Court on the date of hearing. The counter affidavits shall be permitted to be filed within ten days therefrom.

(c) The High Court shall dispose of the writ petitions by the end of August, 2019.

The respondent-State shall maintain status quo as it exists today in respect of selected students.

With the aforesaid directions, the instant appeals are disposed of."

2. The petitioner was admitted in the second round. As on the cut off date prescribed, the petitioner was not possessing the validity certificate and according to the learned counsel for the respondent, moment the petitioner is

admitted in the second round the admission stands freezed.

3. The Apex Court has passed an order directing the State to maintain *status quo* as existed on the date of the order in respect of the selected candidates. The petitioner was already selected in the second round.

4. Now the petitioner seeks relief that he should be considered from the reserved category N.T.(D). The petitioner is already given admission from open competition category and the said seat is freezed as per Clause 10.8 of the brochure. The request of the petitioner cannot be considered.

5. In view of that, writ petition is disposed of. No costs.

[ANIL S. KILOR, J.] [S. V. GANGAPURWALA, J.]

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