

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION (L) NO.4396 OF 2018

Disha Arvind Maldikar

..Petitioner

Versus

State of Maharashtra and others

..Respondents

Mr. Yatin Malvankar, Advocate for the Petitioner.

Mr. Milind More, Addl. Govt. Pleader, Advocate for Respondent
Nos.1 & 2 – State.

**CORAM : B. R. GAVAI &
DAMA SESHADRI NAIDU, JJ.
DATE : 29th MARCH, 2019**

P.C.

1] Rule. Rule made returnable forthwith. Heard finally, by consent of the parties. Learned AGP waives notice for Respondent Nos.1 & 2. Though duly served, none appears for Respondent Nos.3 & 4.

2] The Petitioner has approached this court in peculiar facts and circumstances. The Petitioner has been admitted to the Respondent No.4 institute against the seat reserved for OBC category. The last date for submitting the Non Creamy Layer Certificate was 31st August 2018. However, due to the reasons beyond the control of the Petitioner, she could not get the Non

Creamy Layer Certificate by the said date, though she had applied much in advance on 13th July 2018. The Petitioner has now been issued Non Creamy Layer Certificate on 4th October 2018, which is valid upto 31st March 2019. The said certificate is placed on record at page No.25 of the paper-book. However, when the Petitioner tried to submit the said certificate, the same is not being accepted on the ground that it is submitted beyond the prescribed period.

3] The Petitioner cannot be penalized for the delay in submission of the Non Creamy Layer certificate, inasmuch as, it is not at the hands of the candidates as to within how much time the Competent Authority shall issue the Non Creamy Layer Certificate. In the peculiar facts and circumstances of the case, we are inclined to allow the Petition. Rule is made absolute in terms of payer clause (A). No order as to costs.

[DAMA SESHADRI NAIDU, J.]

[B. R. GAVAI, J.]