

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.2679 OF 2019

Rupesh s/o Narendra Rane
Age 20 years, Occu. Student of
Second Year Engineering,
R/o Faizpur, Taluka Yawal,
District Jalgaon

... PETITIONER

VERSUS

1. The Director of Technical Education
Maharashtra State, Pune.
 2. The Divisional Caste Certificates
Scrutiny Committee No.2, Dhule
 3. The Principal,
G.H. Rasoni Institute of
Engineering & Technology, Pune
- ... RESPONDENTS

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Mr. M.S. Shaikh, Advocate holding for
Mr. Sachin S. Deshmukh, Advocate for the petitioner
Mrs. M.A. Deshpande, A.G.P. for respondent - State
Mr. D.D. Choudhari, Advocate for respondent No.3
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**CORAM : SUNIL P. DESHMUKH AND
R. G. AVACHAT, JJ.**

DATE : 17th DECEMBER, 2020.

ORAL JUDGMENT (Per Sunil P. Deshmukh, J.):

1. Rule. Rule made returnable forthwith and taken
up for final hearing with the consent of learned counsel for the
appearing parties.

2. There is no dispute that the petitioner has been admitted to the engineering course in respondent college after following due procedure therefor as an O.B.C. candidate. While his claim to validate as O.B.C. character, had been pending and the validity certificate has not been coming forth, a communication had been issued to him on 18th October 2018, purporting to cancel his admission. Further referring to that, for any kind of doubt, a query, instructing him to approach the the G.H. Rasoni institute of Engineering & Technology, Pune and admission regulatory authority, Mumbai. In the circumstances, the petitioner has approached this Court and the division bench of this court on 27th February 2019, observing that, the petitioner has been duly admitted as an O.B.C. candidate to engineering course and that he has referred to that he has been following the Scrutiny Committee for validation of his O.B.C. character claim, as the same has not been coming forth, the cancellation ensued. Under the order passed on said date, coercion action has been retrained for being taken against him.

3. The petitioner appears to have prosecuted further studies. In the meanwhile, it appears that, the petitioner received copy of certificate of validity dated 28th April 2015.

The petitioner is validity holder and certificate to that effect has been of 2015. The same is not disputed. The situation thus emerges, while the petitioner had initially approached this Court or for that matter even has been admitted to engineering course, his claim as O.B.C. candidate had been validated, however, he had not received the validity certificate. In the circumstances, the communication dated 18th September 2018 has been rendered unsustainable.

4. In view of aforesaid, although learned A.G.P. purports to refer to that of availability of alternate forum, in facts and circumstances, it would not be appropriate to drive petitioner procrastinating the achievement of purpose when situation demands relief in earnest. As such, writ petition is allowed in terms of prayer clauses (B) and (C). Rule is made absolute.

(R. G. AVACHAT)
JUDGE

(SUNIL P. DESHMUKH)
JUDGE

fmp/-