

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6238 OF 2020

Mrugakshi Prakashrao Kanthale

...Petitioner

Versus

The State of Maharashtra and Ors.

...Respondents

Mr Mansih P. Tripathi, Advocate for Petitioner

Mrs M.A. Deshpande, Addl. G.P. for Respondent Nos. 1 to 3

**CORAM : S.V. GANGAPURWALA AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 28th OCTOBER, 2020

PER COURT :

1. The application of the petitioner for issuance of non creamy layer certificate is rejected. The same is rejected basically on the ground that the income of the parent of the petitioner is more than Rs. 8,00,000/- (Rupees Eight Lakhs Only).

2. The learned Additional Government Pleader submits that as the income of the father of the petitioner is more than Rs. 8,00,000/-, the petitioner cannot claim to be under non creamy layer. The authority has rightly passed the order.

3. Mr Tripathi, the learned Counsel submits that, the father of the petitioner is an Assistant Professor in grant-in-aid college. The salary income has to be excluded. The learned Counsel relies on the order passed by this Court from time to time.

4. This Court in Writ Petition No. 513 of 2013 under order dated 18th July, 2013 so also Writ Petition No. 595 of 2020 and Writ Petition No. 616 of 2020 decided under order dated 24th February, 2020 has observed that the salary income has to be excluded. The father of the petitioner is working in grant-in-aid institution.

5. Circular dated 25.03.2013 and 22.01.2013 are unambiguous. While considering grant of non creamy layer certificate, salary income of the father and mother of the petitioners is to be excluded. This Court, in its order dated 18th January, 2013 in Writ Petition No. 513 of 2013 also has considered the same.

6. In light of above, the impugned order is quashed and set aside.

7. The respondent authorities shall take decision upon the application of the petitioner for grant of non creamy layer certificate within two months. It should not reject the application for grant of non creamy layer certificate only on the ground that salary of the parent of the petitioner is more than Rupees eight lakhs.

8. Writ Petition is accordingly disposed of. No costs.

[SHRIKANT D. KULKARNI, J.]

[S.V. GANGAPURWALA, J.]