

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

**110 WRIT PETITION NO.7455 OF 2020
WITH
CA/7785/2020 IN WP/7455/2020**

**VEDANGI SUDHAKAR KAPRE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for Petitioner: Mr. Vinod P Patil
GP for Respondents/State: Mr. D. R. Kale
Advocate for Respondent No. 3: Mr. K. C. Sant
Advocate for Respondent No. 7: Mr. M. D. Narwadkar

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**CORAM: S. V. GANGAPURWALA &
VIBHA V. KANKANWADI, JJ.**

DATE: 01ST DECEMBER, 2020

PER COURT:

1. Heard Mr. Patil, learned Counsel for the petitioner.

2. The petitioner has applied from E.W.S. category. He has been issued with the E.W.S. certificate in the central format. The learned Counsel submits that, the petitioner belongs to Maratha caste. The same is categorized as S.E.B.C. Because of the G.R. dated 28th July, 2020 a person from reserved category cannot apply from E.W.S. The Apex Court has stayed the reservation of

S.E.B.C. The petitioner is ready to give an undertaking that he would not claim benefit of reservation for educational purpose at any point of time.

3. We have also heard the learned Government Pleader for respondents No. 1, 2 and 4 to 6. Mr. Sant, learned Counsel for respondent no.3 and Mr. Narwadkar, learned Counsel for respondent no. 7.

4. The learned Counsel for respective respondents point out interim order passed on 12th November, 2020 in Writ Petition Stamp No. 21084 of 2020, wherein a candidate who applied from SEBC category was directed to be considered from E.W.S. category and the matter is kept on 01st December, 2020.

5. In the light of the above, we pass the following order.

6. The respondents may not deny the EWS certificate to the petitioner only on the count that he belongs to Maratha caste. The respondents

shall consider the petitioner on production of the EWS certificate required as per rules from EWS category. The petitioner shall not be entitled for benefit of any reservation for educational purposes, once having been admitted from EWS category.

7. Naturally, the petitioner will have to prove before the Tahsildar that he belongs to economically weaker section then only would be entitled for EWS certificate.

8. The Tahsildar, Aurangabad shall consider if the petitioner is entitled for EWS certificate, then shall issue the same immediately.

9. Writ Petition is accordingly disposed of. No costs. In view of disposal of the writ petition, intervention application is also disposed of.

10. Authenticated copy be given.

[VIBHA V. KANKANWADI, J.] [S. V. GANGAPURWALA, J.]

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