

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

WRIT PETITION NO. 7491 OF 2020

Vinaya Vasant Kalambarkar

..PETITIONER

VERSUS

Union of India and Another

..RESPONDENTS

....
Mr. O.B. Boinwad, Advocate for petitioner

Mr. A.G. Talhar, Assistant Solicitor General for respondents

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**CORAM : S.V. GANGAPURWALA AND
R.G. AVACHAT, JJ.**

DATED : 04th NOVEMBER, 2020

PER COURT :

Mr. Boinwad, learned counsel for the petitioner submits that tribe validity proceeding is pending before the scrutiny committee from 04th October, 2020. The petitioner applied for IIT, NIT and IEST courses. In the first round the petitioner was considered from Scheduled Tribe category and the seat was allotted for admission to Bachelor of Technology Civil Engineering at Visvesvarya national Institute of Technology, Nagpur. Due to technical difficulty, the petitioner could not produce the undertaking for caste validity while uploading the documents and the admission seat was cancelled. Now the petitioner's category is changed to General category from Scheduled Tribe category.

2. Learned counsel for the petitioner submits that under the rules, if the PwD candidate produces PwD certificate after first round, then his candidature can be considered in second round from same category, but the petitioner, belonging to Scheduled Tribe category, is not being given such facility. The petitioner is ready to give undertaking immediately and therefore, the respondents be directed to consider case of the petitioner from Scheduled Tribe category for further rounds.

3. Mr. Talhar, learned Assistant Solicitor General for the respondents submits that as per Rule 66 of Business Rules, the candidate, whose category document found to be invalide or does not produce valid category document as per the format given on JoSSA web portal, the category tag will be changed. The concession cannot be given to the petitioner. Three rounds of admission are already over.

4. We have considered the submissions of parties. It appears that the petitioner neither filed undertaking of pendency of the validation proceeding nor file Scheduled Tribe certificate. The petitioner was required to file undertaking. It is admitted by the petitioner that he failed to file the undertaking as was required for caste validity certificate. In view of that the petitioner's candidature is now considered from General category. The online process of filing the documents has come to an end.

5. The petitioner may file the undertaking in physical form with respondent authorities. The respondent authorities may consider the case of the petitioner sympathetically from Scheduled Tribe category for the remaining round, of course if the same is possible to be considered by them.

6. Writ petition is accordingly disposed of. No costs.

(R.G. AVACHAT, J.)

SSD

(S.V. GANGAPURWALA, J.)