

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.5170/2017

Anand S/o Sheshman Patel

..V/s..

The Divisional Caste Scrutiny Committee No.1, Amravati Division, Amravati
(Sub-Division Yavatmal) and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri V.B. Gawali, Advocate for the petitioner.
Shri H.D. Dubey, A.G.P. for respondent No.1.

CORAM : RAVINDRA V. GHUGE & S.M. MODAK, JJ.
DATED : 10.2.2020.

1] The following officers are present in the
Court:-

- a) Shri P.K Dange, Chairman
- b) Shri M.G. Wath, Member Secretary,

2] It is informed that the following officers are a
part of the respondent No.1 - Divisional Caste Scrutiny
Committee, Amravati Division, Amravati (Sub-Division
Yavatmal):-

- a) Shri P.K Dange, Chairman
- b) Shri M.G. Wath, Member Secretary,
- c) Ms Jaya Raut, Member.

3] We find from the record that the petitioner
passed his S.S.C. in March, 2011 and acquired admission
to the Diploma in Chemical Engineering course of 3

years, in the Government Polytechnic College, Yavatmal in 2012. In 2015, he secured admission in the 2nd year of Bachelor of Technology (Chemical Engineering) with respondent No.3 college. He submitted his proposal for caste validity forthwith. His admission to the college was subject to his caste claim being validated. He approached respondent No.1 Committee on 5.7.2017 inquiring about the pendency of his claim. Due to withholding of his result for the 6th semester, the petitioner was unable to submit his admission form for the 7th semester as he did not have the copy of the mark-sheet for the 6th semester. Under the orders of this Court dated 4th August, 2017, the petitioner was granted admission and his further education was directed to be undisturbed and his education was made subject to the orders of this petition.

4] The learned A.G.P. informs the Court that a hearing was posted on 11.10.2017 when the petitioner remained absent. From the record and instructions from the persons present in the Court, he is unable to state as to whether any further hearing was conducted after 11.10.2017 till today.

5] The learned Advocate for the petitioner submits that he had already appeared for his final semester of the Chemical Engineering course in mid 2018. His result was declared online and he has cleared the exam and has, therefore, acquired the degree of

Bachelor of Technology (Chemical Engineering). However, his marks memo and certificate is not granted to him as his caste claim is pending and consequently, he is unable to seek any employment and is rendered unemployed for the past one and half years.

6] Considering the above, the learned A.G.P. submits on instructions from the In-charge Chairman of the Yavatmal Committee holding charge for almost a year, that the claim of the petitioner would be considered on its merits within one month since the vigilance report has already been received and the copy has been supplied to the petitioner.

7] We find that it is on account of the apathy of the respondent No.1 Committee that the claim of the petitioner has not been decided practically for two and half years and he is rendered unemployed, despite acquiring the degree of Bachelor in Technology (Chemical Engineering), for one and half years.

8] In view of the above, this petition is **disposed off** with following directions:-

(a) The petitioner shall appear before respondent No.1 Committee on 20.2.2020 at 12 noon and shall abide by the dates of the hearing on which the matter would be posted by the Committee.

(b) The Committee shall deliver its decision on or before 31.3.2020 and a copy of the report shall be kept ready to be supplied to the petitioner.

(c) Each Member of the Committee shall deposit an amount of Rs.25,000/- (Rs. Twenty Five Thousand) in this Court on or before 21.2.2020, from their salary account and not from the state exchequer. Failing to do so would compel us to initiate appropriate proceedings against the said Committee Members and also direct the District Collector to initiate proceedings against the said Member or Members to recover the said amount as arrears of land revenue.

(d) The petitioner would withdraw Rs.75,000/- (Rs. Seventy Five Thousand) deposited by the three Members of the Committee without conditions, subject to proper identification by the learned Advocate for the petitioner.

(e) Respondent No.2 University shall do the needful in relation to the issuance of his marks memo and degree certificate, if the claim of the petitioner is validated.

(f) If the claim of the petitioner is invalidated, he will be at liberty to take recourse to a remedy as is permissible in law.

(S.M. MODAK, J.)

(RAVINDRA V. GHUGE, J.)