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***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

WRIT PETITION NO. 3328 OF 2020

Prabhakar Omprakash Yadav

... Petitioner

V/s.

State of Maharashtra and Ors.

... Respondents

Mr. C.K. Bhangoji for the Petitioner

Mr. V.M. Mali, AGP for the Respondent - State

***CORAM : S.C. GUPTE AND
SURENDRA P. TAVADE, JJ.***

DATE : 09 FEBRUARY 2021

P.C. :-

Heard learned Counsel for the Petitioner and learned AGP for the Respondent – State. Rule. Rule taken up for hearing forthwith, by consent of learned Counsel.

2. The Petitioner is a student of Engineering Degree Course in Respondent No.3 – Institute. His caste ‘Ahir’ was originally included in the OBC list by the State Government by issuing Government Resolution dated 5 October 1979. On 17 January 1990 the State Government removed the caste from the list

of OBC and included it in the list of Nomadic Tribes. The Petitioner holds a caste certificate belonging to Ahir, Nomadic Tribe and on that basis was granted admission. By the time he completed the degree course, his caste was came to be deleted from the Nomadic Tribe category and included in the list of OBC by the State on 30 January 2014. The Petitioner obtained a fresh caste certificate as belonging to the OBC caste of Ahir. He got a validation certificate in respect of his caste claim. His final year mark-sheet and degree certificate have however been withheld by Respondent Nos. 2 to 4 on the ground that he was granted admission under the reserved category of Nomadic Tribe, whereas the validity certificate showed his caste of Ahir as an OBC caste.

3. When the Petitioner applied for admission, his caste was declared a Nomadic Tribe and on that basis, he obtained admission to the degree course. After the caste was changed from Nomadic Tribe to OBC, he obtained a validity certificate in the name of his caste falling within the category of OBC. The Respondents cannot deny his final year mark-sheet and degree certificate, because the Petitioner was admitted to the course as a Nomadic Tribe student. After all, the Petitioner is not responsible for the change brought out in the status of his caste. The important point is that when he was admitted to the degree course, he had correctly described himself as belonging to a Nomadic Tribe.

4. Rule is accordingly made absolute and the Petition is allowed by directing Respondent Nos.2 to 4 to forthwith release and hand over the Petitioner his final year mark-sheet as well as degree certificate alongwith all original documents submitted to Respondent No.3 – college at the time of seeking admission. The Petition is disposed of in the above terms.

(SURENDRA P. TAVADE, J.)

(S.C. GUPTE, J.)

Jyoti P.
Pawar

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by Jyoti P. Pawar
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