

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 4982 OF 2021

PETITIONER :- Aaryan s/o Sanjay Kakade, aged about 19 years, occupation – Student, R/o 1101, Kedar Wing, Yashodham Enclave, Prashant Nagar, Nagpur.

...VERSUS...

RESPONDENTS :-

1. State Common Entrance Test Cell, Maharashtra State, 8th Floor, New Excelsior Building, A.K.Nayak Marg, Fort, Mumbai – 400 001. (M.S.) through its Director.
2. The Principal, Veermata Jijabai Technological Institute (VJTI), Matunga, Mumbai.
3. The Schedule Tribe Caste Certificate Scrutiny Committee, through its Member Secretary and Deputy Director, Sanna Building, Opp. Govt. Rest House, Camp, Amravati – 444 601.

Mr.Ashwin Deshpande, counsel for petitioner.
Mr.N.A.Gaikwad, counsel for respondent Nos.1 and 2.
Mr. D.P. Thakre, Addl.G.P. for respondent No.3.

**CORAM : SUNIL B.SHUKRE &
ANIL L. PANSARE, JJ.**

DATE : 07.12.2021.

ORAL JUDGMENT (Per :Sunil B.Shukre, J.)

Heard.

2. **Rule.** Rule made returnable forthwith. Heard finally by consent of the learned counsel for the parties.

3. Learned counsel for the petitioner submits that the facts of present case are different than the facts of the other cases, which have been dismissed by this Court, wherein similar prayer for issuance of direction to the State Common Entrance Test Cell for granting admission to the petitioner to engineering course was sought. According to him, the petitioner being vigilant about the fact, had approached this Court by filing a petition being Writ Petition No.3634 of 2021, which was finally decided by this Court on 21st September, 2021 directing the Scrutiny Committee to decide the tribe claim of the petitioner within four weeks, in accordance with law. He submits that now if the Scrutiny Committee has not decided as directed and has kept the tribe claim of the petitioner pending, the petitioner must not be denied admission to the engineering course.

4. Shri Gaikwad, learned counsel for respondent No.1, submits that as per the rules of admission, as contained in information brochure (clause-17), there is a prohibition for granting admission to students against a reserved seat, without the student submitting caste/tribe validity certificate on or before the cut-off date and in the present case, the cut-off date for submission of tribe validity certificate is of today, latest by 5.00 pm and if before this deadline, the tribe validity certificate is produced by the petitioner, the claim of the petitioner would be considered by respondent No.1, in accordance with law.

5. Learned Additional G.P for respondent No.3 submits that appropriate order may be passed in the matter.

6. The earlier petitions, in which similar prayer was made, have been dismissed by this Court only on the ground that rules of admission did not permit making of any exception to the students not submitting the caste/tribe validity certificate before the cut-off date. It was also then found that no challenge to the

rules was made by those petitioners. The facts of this case to this extent are similar and therefore, it would not possible for this Court to take a different view just because the Scrutiny Committee has not decided the tribe claim of the petitioner within four weeks as directed by this Court on 21st September, 2021. For violation of this direction, a different remedy is available to the petitioner, which the petitioner has already taken. But, failure of the Scrutiny Committee to decide the tribe validity claim of the petitioner within the time as fixed by this Court cannot be construed as giving additional advantage to the petitioner to seek exemption from application of the rigour of the admission rules. Following of the admission rules is one thing and following of the directions of this Court by the Scrutiny Committee is another and there is no linkage between these two aspects of the matter. Then, no one knows as to what would be the final result of the scrutiny to be made by the Scrutiny Committee. The final result may go in favour of the petitioner by upholding his tribe status or it may go against him by rejecting his tribe status. If the latter happens, the petitioner would have no claim to secure admission against a reserved seat. Therefore, in this view of the matter, we find that

there is no substance in the petition. The petition stands dismissed.

7. Rule stands discharged. No costs.

(ANIL L. PANSARE, J)

(SUNIL B. SHUKRE, J)