

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

WRIT PETITION NO. 2294 OF 2022

Shivleela Sakharam Boyane .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Omgashad B. Boinwad, Advocate for the Petitioner.

Shri S. P. Tiwari, A.G.P. for Respondent Nos. 1 and 3.

Shri M. D. Narwadkar, Advocate for the Respondent No. 2.

**CORAM : S. V. GANGAPURWALA AND
S. G. DIGE, JJ.**

DATE : 18TH FEBRUARY, 2022.

FINAL ORDER :

. The petitioner is allotted respondent No. 3/ Bhusaheb Hire Government Medical College, Dhule. The caste claim of the petitioner was invalidated. She challenged the said order before this Court by filing Writ Petition No. 1098 of 2022. This Court under order dated 09th February, 2022 allowed the writ petition and directed the Committee to issue validity certificate of 'Koli Mahadev' Scheduled Tribe. On the same day I. e. on 09th February, 2022, at about 5.30 p.m. the Committee issued validity certificate of 'Koli Mahadev' Scheduled tribe to the petitioner.

2. The last date for submitting the validity certificate was 09th February, 2022 i. e. the day petitioner was issued with validity certificate.

3. According to the learned counsel for the petitioner, the petitioner after receipt of the validity certificate at 5.30 p.m. from the Committee, through whatsapp forwarded to her father and her father after taking out its print submitted to the College, but only after 5.30 p.m. Same was not accepted by the college as it was not original. As the original was not submitted, the college gave non joining report. On 10.02.2022, the petitioner filed an application with the CET Cell pointing out all the facts.

4. According to Mr. Narwadkar, the learned counsel for the respondent No. 2, if on the date of verification of document the validity certificate is not produced then the candidate would be considered from open category.

5. It would appear from the facts of the case that the petitioner was issued with validity certificate by the Committee at 5.30 p.m. on 09th February, 2022. It was physically impossible for the petitioner to submit the validity with College at Dhule after having been issued with validity certificate at 5.30 p.m. by the Committee at Aurangabad. The validity certificate was required to be submitted by 5.00 p.m. on 09th February, 2022.

6. It would appear from the facts of the case that on 09th February, 2022 the order was passed by this Court and the petitioner was issued with the validity certificate by the Committee at 5.30 p.m. on 09.02.2022. Naturally the petitioner could not have been in a position to submit the same by 5.00 p.m. on the said day. However, on 09.02.2022 at 6.00 p.m. petitioner

though her father submitted photocopy of the same to the college. The fault is not at the behest of the petitioner.

7. It is submitted that second round has not yet commenced and the seat that was allotted to the petitioner is not allotted to other candidate.

8. Considering the aforesaid facts, by way of exception, we invoke our writ jurisdiction under Article 226 of the Constitution of India. The CET Cell shall consider the aforesaid fact and may consider to accept the validity submitted by the petitioner and her claim from scheduled tribe category for 1st year MBBs course from the college allotted to her, of course if the said seat is not allotted to any other candidate.

9. In the light of the above, the writ petition is disposed of. No costs.

[S. G. DIGE, J.]

[S. V. GANGAPURWALA, J.]

bsb/Feb. 22