

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1012 WRIT PETITION NO.2192 OF 2022
DIPALI BANDURAO WAGHMARE PWER OF ATTORNEY HOLDER
BANDURAO LAXMAN WAGHMARE
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS

...
Advocate for Petitioners : Mr. Sunil M. Vibhute
AGP for Respondent Nos. 1 and 2 : Mr. S.P. Tiwari
Advocate for Respondent No. 3 : Mr. M.D. Narwadkar

...

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

DATE : 15th FEBRUARY, 2022

PER COURT :-

1. The petitioner is allotted B.J. Government Medical College, at Pune. The caste claim of the petitioner was invalidated. He challenged the said order before this Court by filing Writ Petition No. 1983 of 2022. This Court under order dated 9th 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 9th February, 2022, at about 7.00 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 9th February, 2022 i.e. the day petitioner was issued with validity certificate.

3. The petitioner approached the allotted College on 10th February, 2022. The contention of the petitioner is that the College assured that claim of the petitioner would be considered, however, petitioner filed an application on 11th February, 2022.

4. According to Mr. Narwadkar, learned counsel for respondent No. 3, 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 petitioner was issued with validity certificate by the Committee at 7.00 p.m. on 9th February, 2022. It was physically impossible for the petitioner to submit the validity certificate with College at Pune after having been issued with validity certificate at 7.00 p.m. by the Committee at Aurangabad, the Validity certificate was required to be submitted by 5.00 p.m. on 9th February, 2022.

6. The fault is not at the behest of the petitioner. On 9th February, 2022 the order was passed by this Court and the validity was issued on the same day at 7.00 p.m. naturally the petitioner could not have been in a position to submit the same by 5.00 p.m. on the said day.

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 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 his claim from scheduled tribe category for 1st year MBBS Course from the College allotted to him, of course, if the said seat is not allotted to any other candidate.

9. Writ petition is disposed of. No costs.

(S.G. DIGE)
JUDGE

mtk

(S.V. GANGAPURWALA)
JUDGE