

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

962 WRIT PETITION NO.9098 OF 2022

YOGESH JAIDRATH GANDHALE THROUGH FATHER AND NATURAL
GUARDIAN JAIDRATH DHARMRAJ GANDHALE
VERSUS
THE UNION OF INDIA THROUGH ITS SECRETARY AND OTHERS

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Advocate for Petitioners : Mr. Vibhute Sunil M.
AGP for Respondent/State : Mr. S.G. Karlekar
Advocate for Respondent Nos. 1 & 2 : Mr. A.T. Jadhavar

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**CORAM : RAVINDRA V. GHUGE &
ARUN R. PEDNEKER, JJ.**

DATED : SEPTEMBER 8th, 2022.

PER COURT :

1. The son of the petitioner/affiant, who has filed this petition has secured admission to the 6th standard in the Jawahar Navodai Vidyalaya, Gadhi, Taluka Georai, District Beed from the reserved category quota. By the impugned order dated 2.8.2022, the Sub Divisional Officer (SDO) has rejected the application for grant of 'Koli Mahadev' scheduled tribe certificate to the son of the petitioner.
2. The learned advocate representing the school submits that the admissions are monitored from New Delhi. 30th June was the last date for tendering the caste certificate. The said period is extended till today. Now the claim is rejected. The admission cannot be protected.
3. The learned AGP submits that the petitioner can file an appeal before the competent committee at Aurangabad in relation to the rejection of the request for 'Koli Mahadev' scheduled tribe certificate, by the SDO.

4. We find a peculiar situation before us. A young child of the petitioner has secured admission to the 6th standard in a reputed school. His admission is likely to be cancelled, since he has not filed the tribe certificate. The learned advocate for the petitioner submits that the petitioner would prefer an appeal before the Committee, on 12th September, 2022 and the admission of his son may be protected for 15 days.

5. In view of the above, this petition is disposed off.

6. The petitioner shall avail of the statutory remedy of preferring an appeal before the competent committee at Aurangabad, on 12th September, 2022, failing which the protection being granted by this Court would stand vacated without reference to the Court. The petitioner shall mention his E-mail ID as well as cellular phone number in the appeal so as to enable the committee to intimate him about the hearing of the matter. We expect the Committee to pass an order, on or before 30th September, 2022.

7. The time spent by the petitioner in this Court from 25th August, 2022 till the passing of this order, shall be excused from the limitation period of appeal.

8. Respondent No. 2 would protect the admission of the petitioner until 1st October, 2022.

[ARUN R. PEDNEKER J.]

[RAVINDRA V. GHUGE, J.]