

THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

WRIT PETITION NO. 12576 OF 2022

Arman S/o Ashpak Shah Kadari,
Age 18 years, Occu. Student,
R/o Salabatpur, Taluka Newasa,
District Ahmednagar.

... **Petitioner**

Versus

- 1) The State of Maharashtra,
Through it's Secretary,
Social Justice and Special
Assistance Department,
Maharashtra State, Mantralaya,
Mumbai-32.
- 2) The District Caste Certificate Scrutiny
Committee, Revenue Complex,
Bangal Chowki, Burud Galli,
Ahmednagar, through its
Member Secretary.
- 3) The Sub Divisional Officer,
Ahmednagar, District Ahmednagar.
- 4) Vishwabharti Academy's
College of Engineering,
Ahmednagar, through its Principal.

... **Respondents**

...

Mr. B. R. Sable, h/f Mr. B. G. Sagade, Advocate for Petitioner.

Mr. S. G. Karlekar, AGP for respondent Nos.1 to 3.

Respondent No.4 deleted as per Court's order dated 14.12.2022.

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CORAM : **RAVINDRA V. GHUGE &
SANJAY A. DESHMUKH, JJ.**

DATE : 14th December, 2022.

ORAL JUDGMENT: (Per Ravindra V. Ghuge, J.)

1. Leave to delete respondent No.4. Deletion be carried out forthwith.
2. Rule. Rule made returnable forthwith and heard finally by the consent of the parties.
3. The petitioner is an 18 years old student, who was admitted in the first CAP round to the first year of the Engineering Course with respondent No.4. He submits that the said admission has been cancelled on 4th November, 2022 as the committee delivered the impugned order dated 31st October, 2022, rejecting the claim of the petitioner that he belongs to Chhapparband Vimukta Jati (A), reserved category.
4. Keeping in view the order that we intend to pass after considering the submissions of the learned advocates for the respective sides for quite some time, we are not adverting to their entire submissions and the merits of the claim of the petitioner.

Suffice it to say that the petitioner claims to be related to three validity holders namely Kadri Moinshaha Nababshaha (nephew), Kadri Mosin Sultan (nephew) and Shaikh Shahid Subhan (cousin brother). However, his claim has been rejected on the ground that he did not produce any evidence to establish his blood relationship with these three persons. The learned advocate for the petitioner submits that probably the father of the petitioner was under an impression that as three blood relatives have been granted validity certificates, the petitioner would also be granted such a certificate. He is prepared to tender whatever evidence that he can, within thirty days before the committee and co-operate with the committee for an early decision.

5. The learned AGP representing the committee has opposed the above request. The contention is that the petitioner was granted sufficient opportunity to tender the evidence to establish the relationship with the three validity holders. He has squandered away the opportunity granted to him.

6. We do find that the submissions of the learned AGP are well placed. Nevertheless, considering that the petitioner is an 18 years old student, whose admission to the Engineer Course has been recently cancelled, admitting this petition and delivering a decision

after a decade or two, would result in a miscarriage of justice. The petitioner would not be able to pursue the dream of joining a professional course. We also cannot ignore that the petitioner would suffer, since his father did not adduce sufficient evidence before the committee. An opportunity to establish his blood relationship with the three validity holders can be granted to the petitioner in the peculiar facts of this case.

7. In view of the above, this petition is partly allowed. The impugned order dated 31st October, 2022 is quashed and set aside, only for the reason of granting an opportunity to the petitioner to lead evidence and establish his relationship with the three validity holders. In this context, we direct as under:-

- A) The proceeding leading to the impugned order stands restored to the file of respondent No.2 committee.
- B) The petitioner would appear before the committee and tender such evidence that he desires to place before the committee, on 11th January, 2023 at 12:00 noon.
- C) The committee is at liberty to cause a verification of the evidence tendered by the petitioner and by following the due procedure laid down in law, shall

deliver an order, on or before 28th February, 2023.

D) Needless to state, the committee would decide the claim as directed above, after considering the additional evidence that the petitioner would produce before it, in the light of the above directions.

8. Rule is made partly absolute in the above terms.

[SANJAY A. DESHMUKH, J.]

[RAVINDRA V. GHUGE J.]

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