

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.439 OF 2022

Vishal Shivaji Munde ... Petitioner

V/s.

All India Shri Shivaji Memorial Society's College of Engineering, Pune and Ors. ... Respondents

Mr. Subhash V. Gutte, Advocate for the Petitioner.

Mr. Akshay Shinde, 'B' Panel a/w Mr. K.S. Thorat, AGP for the Respondent - State.

**CORAM : S.V. GANGAPURWALA &
MADHAV J. JAMDAR, JJ.**

DATED : 20th AUGUST 2022

PC. :

1. The petitioner claims to be the son of a Government Servant whose income is more than 8 Lakhs. He belongs to NT category. The Petitioner's form for scholarship/reimbursement of fees is not accepted on the ground that income of the parent of the Petitioner exceeds Rs.8 Lakhs. Reference is made to the Government Resolution dated 25th March 2013 and subsequent Government Resolution dated 16th December 2017.

2. The State Authority in its affidavit-in-reply has accepted that circular dated 25th March 2013 and the Government Resolution dated 16th December 2017 operate in different field. It is clarified in the affidavit filed by the State Authority that while considering the

income factor only for the purpose of issuance of Non-Creamy Layer certificate, the Competent Authority has to follow the Government Resolution dated 16th December 2017. However, the criteria and procedure which the Competent Authority has to take into consideration while issuance of Non-Creamy Layer certificate is the one laid down in circular dated 25th March 2013.

3. The Petitioner is now issued with the Non-Creamy Layer certificate. Though the income of the Petitioner's parent is more than Rs.8 Lakhs still in view of the circular dated 25th March 2013, the said salary income is to be excluded as the Petitioner claims that his parent is in Government service.

4. In view of the above, the Respondent - Authority shall accept the application of the Petitioner for the purpose of reimbursement of the fees/ scholarship. The Petitioner shall submit the application along with all necessary documents individually to the authority or through Respondent No.1- Institution. The Authority shall consider the said application of the Petitioner in tune with the circular dated 25th March 2013 and take a decision with regard to the reimbursement of the fees/scholarship with respect to the application. Writ Petition is disposed of. No costs.

(MADHAV J. JAMDAR, J)

(S.V. GANGAPURWALA, J)