

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.10361 OF 2018

Hridaya Manoj Ingale

...Petitioner

Vs.

Director of Technical Education & Ors

...Respondents

Mr. Pankaj J. Das for the Petitioner.

Smt. P. N. Diwan, Assistant Government Pleader for the Respondent-
State.

**CORAM : NITIN W. SAMBRE &
SHARMILA U. DESHMUKH, JJ.**

DATED : 19 DECEMBER 2022.

P. C. : (Per Sharmila U. Deshmukh, J.)

Heard.

2. Petitioner secured admission through Centralized Admission Process (CAP) in Respondent No.2- K.K. Wagh Institute of Engineering Education and Research for Computer Engineering, which is a four year degree course, in the academic year 2018-2019 against the reserved nomadic tribe-1 (NT-B) category seat. As per the stipulated norms of the Admission Regulating Authority, the Petitioner

was required to submit her caste validity certificate before 25/8/2018. The Petitioner's caste certificate was submitted for verification to the caste scrutiny committee on 23/1/2018, and the committee issued the validity certificate on 31/8/2018, much beyond the cut off date of 25/8/2018. After obtaining the caste validity certificate, the Petitioner tried to submit the same to Respondent No.2-College, which was declined. By communication dated 1/9/2018, the Petitioner was informed by Respondent No.2 that her admission in Respondent No.2-College stands cancelled on account of non submission of caste validity certificate by the stipulated date.

3. Present Petition was immediately filed by the Petitioner 7/9/2018 challenging the order of cancellation and by order of 14/9/2018 this Court granted ad-interim relief in terms of prayer clause (b) which read as under:

"(b) That pending hearing and final disposal of the present writ petition this Hon'ble Court be pleased to direct the Respondents not to allot the seat of the petitioner of 1st year degree course of Computer engineering that the Respondent No.2 college to any body else and permit the petitioner to attend the college.

4. Pursuant to the interim order of this Court, the Petitioner was permitted to attend the classes and we are informed that the Petitioner has successfully completed her course and has secured a job

through campus placement.

5. We have perused the Affidavit-in-reply filed by the Joint Director of the Directorate of Technical Education stating that as the Petitioner had failed to submit the caste certificate before the cut off date, admission stood rightly cancelled.

6. The factual position today is that the Petitioner holds a validity certificate and pursuant to the provisional admission and under the interim order of this Court dated 14/09/2018, the Petitioner continued with the course and has now completed her 4 years of degree course. In our view, the Petitioner cannot be faulted for non submission of the validity certificate before the due date considering that the Petitioner had applied well in advance for issuance of validity certificate and the delay has been caused on account of the caste scrutiny committee taking period of almost 7 months to issue the validity certificate.

7. The cancellation of the admission is only by reason of delay in submission of the validity certificate. Considering that the Petitioner under order of this Court was permitted to attend the College and complete her course, we are not inclined to disturb the admission of the Petitioner to the prejudice of the Petitioner, applying the settled

principle of law “*actus curiae neminem gravabit*” i.e. the act of the Court shall prejudice no person.

8. In the facts of the present case, by moulding the relief sought in the Petition, we hold that the admission of the Petitioner in Respondent No 2 stands confirmed and the Respondent No 2 is directed to release the Petitioner’s original mark sheet, passing certificate and leaving certificate.

9. Writ Petition is allowed on the above terms and is accordingly disposed of.

(SHARMILA U. DESHMUKH, J.)

(NITIN W. SAMBRE, J.)