

Vidya Amin

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

WRIT PETITION NO. 14687 OF 2022

Dadasaheb Mahadev Bansode

... Petitioner

Vs.

State of Maharashtra, through its Secretary & Ors.

... Respondents

Mr. Sagar Talekar i/b. Mr. Vikrant A. Desai for the Petitioner.

Mr. A.I. Patel, Addl. G.P. for Respondent no. 1-State.

**CORAM : NITIN JAMDAR AND
GAURI GODSE, JJ.**

DATE : 29 November 2022.

P.C.:

Not on board. Taken on production board.

2. Heard learned counsel for the parties.

3. The Petitioner has filed this petition whereby it is stated that he is orally informed that he will not be granted admission in the M.B.B.S. degree course as Nomadic Tribe(C) candidate by Respondent no. 3-College. He states that the admission will close today at 5.30 p.m. and directions be given to the Respondents to grant admission to the Petitioner which is allotted to him as per his merit in the Nomadic Tribe (C) category. Learned counsel states that Respondent no. 3 has informed the reason that since the Petitioner is claiming admission on the basis of Nomadic Tribe (C) category, it is necessary for him to produce caste certificate and validity certificate and that the name of

the Petitioner in the caste certificate and validity certificate and the name mentioned in the admission record does not match. According to the Petitioner, the name mentioned in the caste certificate and validity certificate though differs, is that of the Petitioner.

4. The caste certificate was issued on 5 September 2014. Thereafter, the validity certificate was issued on 3 June 2019. If there was such a fundamental error, the Petitioner would have taken some steps since 2014. If the name in the caste validity certificate does not match, the Authority would not be incorrect in taking an objection. We cannot be unmindful that there is a keen competition for each seat.

5. Learned counsel submits that since the Petitioner was informed in the last minute, he has prepared an affidavit stating these facts.

6. Considering this position, all that we direct is that Respondent no. 3 will examine the affidavit and if it is permissible in law to proceed on the basis of affidavit, and if it is permissible, thereafter give time to the Petitioner to produce necessary documentation.

7. With these observations, we dispose of the writ petition.

8. Parties to act on the authenticated copy of this order.

(GAURI GODSE, J.)

(NITIN JAMDAR, J.)