

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

1 WRIT PETITION NO. 10162 OF 2023

MANGESH APPASAHEB SALUNKE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Advocate for Petitioner : Mr. S.C. Yeramwar
AGP for Respondent Nos. 1 & 2 : Mr. A.A. Jagatkar
Advocate for Respondent No. 3 : Mr. A.S. Bayas

**CORAM^{...} : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**

DATE : 17 AUGUST 2023

PER COURT :

Heard the learned Advocate for the petitioner, learned AGP and learned Advocate Mr. Bayas, who appears *suo-moto* for the respondent no. 3 – University.

2. The petitioner is aggrieved by the fact that in spite of this Court having held him entitled to have a certificate of validity, the Scrutiny Committee while issuing the certificate has endorsed thereon a specific title as ‘Conditional Validity’ (exhibit ‘D’). The respondent no. 3 – University has now refused to issue the decree certificate to him on the ground that the certificate of validity is a conditional validity.

3. We have several times indicated that the right to have a certificate can be qualified but that does not mean that even the certificate is a conditional certificate. When the Maharashtra Scheduled

Castes, Scheduled Tribes, De-Notified Tribes, (Vimukta Jatis) Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of issuance and verification of) Caste Certificate Act, 2000 and the Rules of 2003 do not provide for issuance of any conditional validity, this conduct of Scrutiny Committee in issuing a certificate of validity with superimposed title is grossly illegal.

4. When the Rule 12 (7) and 12 (9-A) of the Rules 2003, require the certificate of validity to be issued in Form G, the Scrutiny Committee is under obligation to issue certificate of validity strictly in that form, obviously without incorporating any additional stipulation or condition. Hence, we allow the Writ Petition by passing following order :

ORDER

- i. The Writ Petition is disposed of.
- ii. The respondent no. 2 – Scrutiny Committee is directed to issue a fresh certificate of validity to the petitioner without incorporating anything and in form ‘G’ afresh.
- iii. If for some reasons, it is unable to do so a fresh certificate of validity, serial no. 146300 (exhibit ‘B’) shall be treated as a certificate of validity ignoring the title therein as ‘conditional validity’.

iv. The respondent no. 3 shall, therefore, immediately issue the degree certificate and return necessary documents, if any, to the petitioner.

v. Learned Advocate for respondent no. 3 shall immediately communicate this order since tomorrow is the last date for petitioner to upload the documents.

vi. The petitioner shall not be entitled to claim equities.

vii. Parties to act upon authenticated copy of this order.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

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