

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

WRIT PETITION NO.10527 OF 2023

Yash s/o Navnath Kadam
through father and natural guardian
Navnath s/o Pandharinath Kadam

... **PETITIONER**

VERSUS

1. The State of Maharashtra
through its Secretary,
Higher Technical Education,
Mantralaya Mumbai
2. The Commissioner & Competent Authority,
Commissioner of Common Entrance Test Cell,
Government of Maharashtra,
8th Floor, New Excelsior Building,
A.K. Naik Marg, Fort, Mumbai
3. The Principal
Government College of Engineering
and Research, Avasari Khurd,
Tq. Ambegaon, Dist. Pune

... **RESPONDENTS**

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Advocate for petitioner : Mr. Sunil M. Vibhute
AGP for respondent Nos.1 and 3 : Mr. S.G. Sangale
Advocate for respondent No.2 : Mr. Ajinkya Reddy

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

DATE : 23.08.2023

PER COURT :

Heard the learned advocate for the petitioner, the learned AGP
for the respondent Nos.1 and 3 and learned advocate Mr. Reddy for the
respondent No.2.

2. The petitioner is seeking admission through MHT-CET-2023 from ST category and was given admission in the respondent No.3- College. The schedule for admission process has been published by the respondent No.2 which is a Competent Authority of the Common Entrance Test Cell of the Government of Maharashtra. The petitioner was supposed to furnish the certificate of validity of scheduled tribe, latest by 16.08.2023, which was admittedly extended up to 17.08.2023.

3. Since the petitioner's proposal was pending with the Scrutiny Committee constituted under Section 6 of the Maharashtra Scheduled Castes, Scheduled Tribes, Denotified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000, he had filed Writ Petition No.8980/2023 on 26.07.2023. Accepting the statement made by the learned AGP as an undertaking to the Court to the effect that the Committee would decide petitioner's proposal by 06.08.2023, we had disposed of the writ petition.

4. Since the Committee could not decide the petitioner's proposal as was undertaken he again approached this Court in Writ Petition No.10168/2023, taking advantage of a day extended for furnishing the documents, seeking a direction to the Committee to decide the proposal by 18.08.2023 before noon.

5. Since the Committee rejected the proposal by the order

dated 18.08.2023 he sought amendment of the petition so as to enable him to put up a challenge to the order of invalidation. On 19.08.2023 we allowed the writ petition and directed the Committee to immediately issue certificate of validity to him as belonging to 'Thakar' scheduled tribe. In the backdrop of such state of affairs, now the petitioner is before us seeking to take the benefit of admission which was granted to him in the respondent No.3 – College, albeit, as per the schedule the date for confirmation of admission by producing all the necessary certificates has expired on 17.08.2023.

6. Considering the above state of affairs, we had requested the learned AGP to take instructions as to if the seat allotted to the petitioner has been subsequently put to the further process of admission and allotted to someone. The learned AGP, makes a statement that he had made a phone call to one Mrs. Manisha Khadalkar who is an admission coordinator of Respondent No.3 on her cell phone No.9822504230 and on instructions submits that the seat allotted to the petitioner has still not been allotted to anybody else.

7. The petitioner cannot be blamed for not being able to take steps for obtaining a certificate of validity. He had approached this Court in advance. The Scrutiny Committee had undertaken to decide his proposal by 06.08.2023. It having failed to do so he had to again file another writ petition on 17.08.2023 and the Committee passed the

order on 18.08.2023.

8. If such is the state of affairs, no prejudice would be caused to anybody if the petitioner who has already been allotted the seat according to his entitlement and merit and even admitted against a seat, the respondents are directed to confirm the admission by enabling him to produce the certificate of validity with the respondent No.3 - College by tomorrow.

9. With these directions the petition is disposed of.

10. The learned AGP is requested to communicate the order immediately to the respondent Nos.1 and 3.

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

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)