

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

902 WRIT PETITION NO. 12216 OF 2021

ABHISHEK SUNIL KAKDE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. Salunke Pradeep B.
AGP for Respondent Nos. 1 to 4 : Mr. P.S. Patil
Advocate for Respondent No. 6 : Mr. S.V. Adwant
...

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

DATE : 07 JULY 2023

PC :

Heard the learned Advocate for the petitioner, learned AGP and the learned Advocate Mr. Adwant, for the respondent no. 6.

2. The petitioner is claiming scholarship on account of being an OBC category candidate who has taken admission in respondent no. 6. It is being pointed out that the scholarship was not being released for want of validity certificate. Once he obtained it, scholarship has been released in the fourth year of the engineering course. However, he is still waiting to get the scholarship for the first three years and for want of which the respondent no. 6 is not issuing the original documents and decree certificate and also no dues certificate, even after completion of the B.Tec. Mechanical Engineering Course in September 2021.

3. Learned AGP and also learned Advocate for the respondent no. 6 submit that, necessary application online or offline should have been submitted by the petitioner which he failed to do and which has prevented the disbursal. They admit that the scholarship for the fourth year was released after he obtained a validity certificate.

4. It is a matter of scholarship to the OBC candidate. There is no dispute about the entitlement of the petitioner to have it. In fact he has been granted scholarship for the last year of the engineering course. Obviously, since he was not holding the validity certificate, the scholarship for the previous years was not released. Even the management must be interested in having the fees paid. Admittedly only 50 % fees was paid by the petitioner for the first three years. Since the petitioner is aspiring to go for further education, and when there is no dispute of either he being OBC category candidate and entitled to receive scholarship, mere technicalities should not come in the way.

5. We allow the Writ Petition in following terms :

- i. The petitioner shall now make application offline for receiving the scholarship for first three academic years which he shall forward through the respondent no. 6 – Institute, to the government and the government shall consider and take appropriate decision as expeditiously as possible and in any case within a period of six weeks from today.

ii. However, the respondent no. 6 shall not withhold the decree certificates or the other documents, if the petitioner furnishes an undertaking with the respondent no. 6 that in case so ordered by the Court he would pay the balance fees.

iii. We direct the respondent no. 6 to release the degree certificate and other documents to the petitioners tomorrow by 10:30 am.

[SHAILESH P. BRAHME]
JUDGE

[MANGESH S. PATIL]
JUDGE

spc/