

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.6181/2019

Umashankar S/o Kashiram Daheriya,
aged 26 Yrs., Occ. Student,
R/o Dhanushram Dehariya, Building
No.B-1, Flat No.T-3, Rashtrasant
Tukdoji Apartment, Zingabai Takli,
Nagpur 440 013.

... Petitioner

- Versus -

1. Rashtrasant Tukadoji Maharaj Nagpur
University, Ravindranath Tagore Marg,
Nagpur 440 001, through its Registrar.

2. Laxminarayan Institute of Technology,
Bharat Nagar, Amravati Road, Nagpur,
through its Principal.

... Respondents

Mr. S.R. Narnaware, Advocate for the Petitioner.
Mrs. M.S. Naik, Advocate for Respondent Nos.1 and 2.

CORAM : A.S. CHANDURKAR & URMILA JOSHI-PHALKE, JJ.
DATE : 31.2023

ORAL JUDGMENT (Per A.S. Chandurkar, J.)

Heard. **Rule.** Rule made returnable forthwith.

Heard finally by consent of learned counsel for the parties.

2. The petitioner claiming to belong to the Scheduled Caste category secured admission in the Bachelor of Technology (Chemical Engineering) course in the year 2012. The admission was taken on the strength of caste certificate dated 3.2.2006 issued by the Sub-Divisional Officer, Wani. Proposal dated 16.4.2014 was submitted for verification of his caste claim. The Scrutiny Committee however refused to verify the caste claim of the petitioner on the ground that he was not a resident of the State of Maharashtra prior to 1950. This decision of the Scrutiny Committee was challenged by the petitioner in Writ Petition No.2959/2014. By the judgment dated 3.7.2015 the Division Bench upheld the order passed by the Scrutiny Committee and held that the petitioner was not entitled to seek benefits of reservation in the State of Maharashtra.

3. Since the petitioner was pursuing his education and there was a threat of discontinuation he had filed Writ Petition No.3893/2015 in that regard. By order dated 30.8.2016

petitioner was granted liberty to seek a validity certificate from the appropriate forum available in the State of Madhya Pradesh. According to the petitioner, in the said State there is no procedure for verification and the petitioner seek to rely upon a certificate dated 27.7.2016 issued by the Sub-Divisional Officer therein. In these facts, by the present writ petition, it is prayed that since the petitioner has completed his education the respondents be directed to release the petitioner's degree of the course of Bachelor of Technology (Chemical Engineering) along with relevant mark-sheets.

4. A statement is made on behalf of the petitioner, on instructions, that petitioner is willing to pay the entire fees that are required to be paid by a student taking admission in the said course in the general category.

5. We have heard the learned counsel for the parties and we have also perused the reply filed on behalf of respondents.

6. We find that the petitioner having completed his education in 2016 and he now being ready to pay the difference of fees from what are liable to be paid by the candidate taking admission in the general category, the course adopted by the Hon'ble Supreme Court in the Special Leave Petition No.17179/2021 (Saurabh V/s. State of Maharashtra and others) can be followed.

7. Accordingly, the following order is passed:-

(a) On the petitioner's paying the difference of tuition fees for the entire course of Bachelor of Technology (Chemical Engineering) by treating him to be a student admitted in the general category, the respondent No.1 shall release the degree in favour of the petitioner consequent upon successful completion of course of Bachelor of Technology (Chemical Engineering). All other documents in that regard shall also be released in favour of the petitioner.

(b) Needless to state that these directions will operate only to enable the petitioner to receive his degree certificate.

8. With the above observations, writ petition is disposed of.

Rule made absolute in the above terms. No costs.

(URMILA JOSHI-PHALKE, J.)

(A.S. CHANDURKAR, J.)

Tambaskar.

Signed By: NILESH VILASRAO
TAMBASKAR

Private Secretary
Date: 04.01.2023 10:01