



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

WRIT PETITION NO. 11174 OF 2024

Utkarsha Uttam Haral

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Shri Santosh S. Jadhavar, Advocate for the Petitioner.

Mrs. V. N. Jadhav Patil, A.G.P. for the Respondent No. 1.

Shri M. D. Narwadkar, Advocate for the Respondent No. 2.

Shri Ashish T. Jadhavar and Shri Nitin S. Salunkar, Advocates
for the Respondent No. 3.

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

DATE : 22 OCTOBER 2024.

FINAL ORDER :

. Petitioner who entered into a CAP round with a specific category of the Scheduled Caste is before us with the allegations that respondent No. 3/college has wrongly denied her admission in the 4th round/institutional level round inspite of her name appearing in the merit list of 1127 candidates for that round forwarded by respondent No. 2 – CET Cell to respondent No. 3 – college. It is her claim that irrespective of the category in which she could have been considered, either against a seat reserved for S.C. or even in open category, less meritorious students from both these categories have been admitted by respondent No. 3 – college, but she has been refused the admission.

2. The stand of respondent No. 2 – CET Cell in the affidavit in reply is favouring the petitioner. It has been mentioned that she ought to have been considered and admitted in the institutional level round according to her merit.

3. The stand of respondent No. 3 – college in the affidavit is to the effect that the admissions were granted to the students strictly according to merit list provided by respondent No. 2 and in accordance with the guidelines contained in Notice No. 4 issued by it and particularly clause No. 19. Since the petitioner was claiming a seat against the S.C. category, but was unable to produce a caste validity certificate, she neither could have been admitted against a seat reserved for S.C. category nor could have been considered as open /general category candidate.

4. We have heard both sides extensively for couple of dates and even today.

5. There is no dispute about the fact that petitioner's name was figuring in the merit list forwarded by respondent No. 2 to respondent No. 3 – college for the institutional level round / CAP round 4 at Sr. No. 339. Her percentile was 53.93. Irrespective of rival stands of respondent Nos. 2 and 3, as to what was to happen to a candidate who was claiming a seat reserved for a particular category, but failed to produce a caste validity certificate, the fact remains that the list of candidates admitted in round Annexure

D of 28 candidates contains the names of the candidates who were eligible and allotted S.C. category seat having lessor marks than the petitioner. Even this list contains the candidates who have been admitted against open seats many of whom have scored less than the petitioner. It is precisely for this reason we need not, for the time being, go into the dispute as to if a reserved category candidate failing to submit caste validity certificate could have been considered in the general/open category as per Notice 4, Clause 19. It would be a dispute between respondent Nos. 2 and 3 *inter se*. The fact remains that less meritorious candidates from S.C. category as well as in open/general category are figuring in the list of admitted candidates, which in itself would be demonstrative of the fact that the petitioner ought to have been admitted in the 4th round/institutional level round. She has been deprived of the admission indiscriminately.

6. We are informed across the bar that as on today there is a vacancy in respondent No. 3 – college. Though the cut off date for admission is over, in the light of peculiar state of affairs as discussed hereinabove, it would be appropriate that respondent No. 3 is directed to admit the petitioner against the vacant seat and respondent No. 2 enables it to happen, by taking necessary steps.

7. As far as approval to be granted to petitioner's admission by the Admission Regulatory Authority at a latter point, we expect the authority to consider all the afore mentioned aspects

and take appropriate decision in accordance with law. With these directions, we dispose of the writ petition.

[SHAILESH P. BRAHME J.]

[MANGESH S. PATIL, J.]

bsb/Oct. 24