

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 12636 OF 2024

Varad Vivek Gaikwad

... Petitioner

Versus

The State of Maharashtra and Others

... Respondents

....

Mr.R.K.Mendadkar for the Petitioner.

Mr.P.P.Kakade, Government Pleader with Mr.B.V.Samant,
Addl.GP and Ms.R.A.Salunkhe, AGP for the Respondent -State.

Mr.Ravindra Jadhav, Deputy Secretary present in Court.

Mr.Uday Gawas, Under Secretary present in Court.

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**CORAM : NITIN JAMDAR &
M.M. SATHAYE, JJ.**

DATE : 09 SEPTEMBER 2024

P.C.:

Heard the learned Counsel for the parties.

2. The Petitioner has been granted caste certificate as belonging to Thakar Scheduled Tribe. Since the Petitioner was desirous of taking education in first year engineering course against seat reserved for Scheduled Tribe claim, the caste certificate of the Petitioner was referred to the Respondent -Scrutiny Committee. The Scrutiny Committee has not yet decided the claim and the Petitioner faces a deadline of submitting validity certificate by 9 September 2024. Today, the Petitioner is seeking a direction to the Respondent-

Scrutiny Committee either to decide the claim or pass a protective order. The Petitioner has been given admission, as stated in the petition, in the first year engineering course in Respondent No.3-Institute.

3. As regards direction to decide the claim as pointed out by the learned Government Pleader is concerned, it is practically not possible that it should be decided within few hours that remain. Therefore, the second relief is pressed by the Petitioner in respect of granting further time to submit validity certificate.

4. Apart from this individual case where the State will have to inform us as to within how much time the Petitioner's claim would be decided, it also need to be considered that there would be cases of similar nature where the students who are awaiting decision of verification of the caste certificate in cases they have been granted admission. This is a situation may arise in other courses for this academic year.

5. Two Government Resolutions have been brought to our notice which are issued by the General Administration Department, State of Maharashtra. First is of 22 July 2024 where extension is granted of six months for production of the caste validity certificate (SEBC Reservation Act 2024) and second is of 5 September 2024 in case of Other Backward Class. Both these Government Resolutions were issued by the General Administration Department and not by Tribal Development Department. They refer only to difficulties faced by

candidates. As to the similar extension of time in cases of Scheduled Tribe, the learned Government Pleader states that he has no instructions. Stand over to **23 September 2024**, to be listed under the caption “For Directions” to enable the learned Government Pleader to inform the Court as to within how much time the Petitioner’s claim would be decided and also to take instructions generally in respect of other classes reserved category students not covered by Government Resolutions dated 22 July 2024 and 5 September 2024.

6. Accordingly, we extend the time give to the Petitioner to submit document and the caste validity certificate to **25 September 2024**, subject to further orders that would be passed.

7. We make it clear that this extension will not create equities in favour of the Petitioner and will be governed by Section 10 of the 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 law laid down by the Hon’ble Supreme Court in the case of *Chairman and Managing Director, Food Corporation of India & Ors. Versus Jagdish Balaram Bahira & Ors.*¹

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)

1 2017 (8) SCC 670