

Wadhwa

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 13669 OF 2024

Varad Vivek Gaikwad ...Petitioner

Versus

The State of Maharashtra through its Secretary, ...Respondents
Tribal Development Department & Ors

Mr RK Mendadkar, with Ms Priyanka Shaw, for the Petitioner.

Mr SB Kalel, AGP, for the Respondent-State.

CORAM: M.S. Sonak &
Kamal Khata, JJ

DATED: 3rd October 2024

PC:-

1. Heard Mr Mendadkar, learned counsel for the Petitioner and the learned AGP, Mr Kalel, for Respondent Nos. 1 and 2.
2. At Mr Mendadkar's request, leave is granted to implead the State Common Entrance Test Cell, Maharashtra State, Mumbai, as the 4th Respondent.
3. Issue notices to Respondent Nos—3 and 4, returnable on 10 October 2024.

4. The Petitioner will have to take steps to serve these Respondents. In addition to the usual service mode, private service /Hamdast is allowed. The Petitioner is to file an affidavit of service.

5. In the earlier Writ Petition No. 12636 of 2024, this Court granted limited interim relief to the Petitioner so that his admission to the 3rd Respondent College would not be disturbed. This was done by extending the time to produce the caste validity certificate.

6. The Caste Scrutiny Committee has now invalidated the Petitioner's caste certificate. However, Mr Mendadkar has pointed out that there are orders validating the caste certificate issued to the Petitioner's father, uncle and cousins, which still hold the field. He makes a clear statement based on instructions that these caste certificates have not been annulled or revoked.

7. Considering the above statement, we direct that the Respondents, including the 3rd Respondent, should not cancel the Petitioner's admission to the first-year Engineering Course until the next date.

8. Based on this interim order, the Petitioner should not claim any equities considering the law laid down by the Hon'ble Supreme Court in the case of *Chairman and Managing Director,*

*Food Corporation of India and Ors. vs. Jagdish Balaram Bahira and Ors*¹

9. All concerned to act on an authenticated copy of this order.
10. List this matter on 10 October 2024.

(Kamal Khata, J)

(M.S. Sonak, J)

¹ 2017(8) SCC 670