



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

WRIT PETITION NO. 4962 OF 2024

MAITHILI D/O. KAILASH GAJBE AND ANR.

...Vs...

THE SCHEDULED TRIBE CASTE CERTIFICATE SCRUTINY COMMITTEE, THR. MEMBER-SECY., NAGPUR AND ORS.

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Shri Ashwin Deshpande, Advocate for petitioners.
Shri M.J.Khan, AGP for respondent no. 1/State.
Shri N.A.Gaikwad, Advocate for respondent no. 2.
Shri P.D.Meghe, Advocate for respondent no. 3.

CORAM: AVINASH G. GHAROTE AND
SMT. M.S.JAWALKAR, JJ.

DATED : 13th SEPTEMBER, 2024.

The petitioners are students. The Tribe certificates of the petitioners claiming to be belonging to 'Mana' Scheduled Tribes have been invalidated on 02/08/2024. The petitioners require the validity certificates for admission in the Engineering Course and had to produce the validity by 09/09/2024 by 05.00 p.m., on failure to do which, the admission gets cancelled automatically and the seat would then be considered as an open category seat. In this regard, the relevant Clause (10) in the Admission Notice for State Common Entrance Test Cell, Maharashtra State, Mumbai (C.E.T.) dated 06/08/2024 reads as under:-

"10. The SC, ST, VJ/DT-NT(A), NT(B), NT(C), NT(D), OBC, SBC and EWS Candidates who submitted receipt of Caste/Tribe Validity Certificate,

Non Creamy Layer Certificate, EWS Certificate during registration, e-verification or physical document verification and confirmation period should upload and verify original Caste/Tribe Validity Certificate, Non Creamy Layer Certificate, EWS Certificate at Physical Scrutiny Center or E-Scrutiny Center and submit original certificate to the admitted institute on or before third round last date of reporting otherwise these candidates admission will get automatically cancelled and shall be considered as Open category candidates for next institute level round provided candidate full fill eligibility criteria for open category.”

2. In the instant case, since there was no validity produced by the petitioners, it is not disputed by Mr. Deshpande, learned counsel for the petitioners, that the admission of the petitioners stood cancelled on 09/09/2024 as of 05.00 pm. Once that happens, then in light of Clause (10) of the Admission Notice stated above, the seat gets automatically converted as open category seat, on account of automatic cancellation of the admission granted to the candidates/ petitioners in the 3rd round under the State quota. Once that happens, the reservation, therefore, cannot be carried forward in the institution round, on account of what has been stated in Clause (10) above. Though, our attention has been drawn to the order dated 10/09/2024 passed in ***Writ Petition No. 5399 of 2024 (Anuj s/o. Ravikant Kathe V/s.***

Scheduled Tribes Caste Certificate Scrutiny Committee, Nagpur and ors.) by the learned Division Bench of this Court (Pg.216H), what is necessary to note is that, it is based upon the statement made by the learned counsel for the petitioner there, that though the time limit had expired, in actuality, the admission of the petitioner was not cancelled as on the date of passing of the order, which is reflected, from what has been recorded in para-3 of the said order.

3. It is, however, material to note that Clause (10) of the Admission Notice, which provides for automatic cancellation of the admission on completion of the 3rd round in the State quota and throwing the seats open for admission to one and all in the institutional round, was not brought to the notice of the learned Division Bench of this Court in Writ Petition No. 5399 of 2024.

4. In light of admitted position, that the admission of the petitioners, which was cancelled on 09/09/2024 at 05.00 p.m. on completion of the 3rd round in 85% State quota, though the message regarding cancellation may have been received later on, that would not have the effect of taking away the mandate of Clause (10) of the Admission Notice dated 06/08/2004, as the admission process has to be held

and completed strictly in accordance with the regulations framed therein.

5. We are, therefore, not inclined to pass the similar order as has been passed in Writ Petition No. 5399 of 2024 (supra).

6. List the matter on 18/09/2024.

(SMT. M.S.JAWALKAR, J.) (AVINASH G. GHAROTE, J.)

B.T.Khapekar