



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH : NAGPUR

WRIT PETITION NO.5388 OF 2024

Ku. Payal Mahendra Gajbe ... Petitioner

- Versus -

The Scheduled Tribe Certificate
Scrutiny Committee, Nagpur
and others ... Respondents

Shri N.D. Jambhule, Advocate for Petitioner.

Ms. P.C. Bavankule, Assistant Government Pleader for
Respondent No.1.

Ms. Kirti Deshpande, Advocate for Respondent No.3.

CORAM : NITIN JAMDAR AND
NITIN W. SAMBRE, JJ.

DATE : 10 SEPTEMBER 2024

P.C. :

Heard learned Counsel for the parties.

2) The Petitioner is a student. The caste certificate of the
Petitioner is invalidated by the impugned order. The Petitioner

required caste validity certificate for admission in the Engineering Course and she had to produce the caste validity certificate by 9 September 2024, failing which her admission would be cancelled.

3) Shri Jambhule, learned Counsel for the Petitioner, asserts that though the time limit has expired, in actuality, the admission of the Petitioner is not cancelled as of date.

4) We note that the impugned order of invalidation of caste certificate of the Petitioner was passed few days before the deadline for submission of caste validity certificate because of which, the petitioner had to rush to this Court for seeking protective order. As regards merits of the case of the Petitioner, same will have to be examined, for which the learned Assistant Government Pleader will have to be given time to call for the record. In view of this position, we are left with no option, but to consider grant of protective order till the matter is decided on merits.

5) Shri Jambhule, learned Counsel for the Petitioner, states that the Petitioner's father Mahendra has been given caste validity certificate, which is as on date not cancelled. Therefore, *prima facie*, an arguable case is made out. In case the Petitioner's admission is not yet cancelled as on today, then we extend the time granted to the Petitioner to produce the caste validity

certificate till the next date of hearing. We make it clear that this extension will not create any equity and the Petitioner would be bound by Section 10 of the Maharashtra Scheduled Caste, Scheduled Tribes, De-notified Tribes (Vimukta Jati), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of issuance and verification of) Caste Certificate Act, 2000 and the decision of the Supreme Court in the case of *Chairman and Managing Director, Food Corporation of India and others Vs. Jagdish Balaram Bahira and others*¹.

6) Put up this petition on board on 24 September 2024.

(NITIN W. SAMBRE, J.)

(NITIN JAMDAR, J.)

khj

¹ (2017) 8 SCC 679