



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

**WRIT PETITION NO. 5800 OF 2025**

**PETITIONER:**

Kedar s/o Nandkishor Pawar,  
Age 18 years, Occup: Student,  
R/o Kasturi Park, Gajanan Nagar, VMV  
Road, Navsari, Amravati,  
Tq. and District Amravati.

**...VERSUS...**

**RESPONDENTS**

1. State of Maharashtra,  
Through its Secretary,  
Higher and Technical Education  
Department, Mantralaya, Mumbai-32.
2. State of Maharashtra,  
Through its Secretary,  
Social Justice and Special Assistance  
Department, Mantralaya, Mumbai-32.
3. State of Maharashtra,  
through its Principal Secretary,  
Tribal Development Department,  
Mantralaya, Mumbai-32.
4. The State Common Entrance Test Cell,  
Government of Maharashtra, Mumbai-32.
5. The Principal,  
Pimpri Chinchwad College of Engineer  
and Research, Ravet, Pune.

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Mr. Arjun Uday Deshmukh, counsel for petitioner.

Mr. N.S.Rao, AGP for respondent/State.

Mr. N.A. Gaikwad, counsel for respondent Nos.4 and 5.  
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**CORAM** : **ANIL S. KILOR AND RAJNISH R. VYAS, JJ.**  
**DATE** : **08/12/2025**

**JUDGMENT : (Per Rajnish R. Vyas, J)**

1. Heard. **Rule.** Rule made returnable forthwith. By consent of the parties, petition is taken up for final hearing at the stage of admission.

2. “सुखार्थिनःकुतो विद्या, विद्यार्थिनः कुतःसुखम् ।।  
सुखार्थी वा त्यजेत् विद्यां, विद्यार्थी वा त्यजेत् सुखम् ।। ”

The meaning of the aforesaid *Shubhashit* can be said to be “there is no knowledge for the seekers of comfort, and no comfort for the seekers of knowledge. A seeker of comfort should give up knowledge and a seeker of knowledge should give up comfort”.

It seems that petitioner’s (who is 18 years old) struggle for education has rightly proved that a seeker of knowledge should give up comfort.

3. The facts narrated hereinbelow would reveal that the petitioner, who is a bright student of Scheduled Tribe Category (S.T.), is a victim of the system.

4. The petitioner belongs to the “*Thakur Tribe*”, which is recognized as a Scheduled Tribe in the Constitution (Scheduled Tribes) Order, 1950 at entry no. 44. After passing his 12<sup>th</sup> Standard examination in the Science stream, he intended to pursue his education in Bachelor of Engineer, which is a four year undergraduate degree course. On 13/12/2023, the petitioner submitted his validity claim before Tribe Certificate Scrutiny Committee, which was duly registered on 19/12/2023. The petitioner’s father and cousin brother had already received Scheduled Tribe Certificates (Thakur) pursuant to orders passed in Writ Petition Nos. 4489 of 2021 and 3735 of 2017; even the petitioner’s sister was no exception.

5. Respondent no.4 - State Common Entrance Test Cell, published scheduled of activities for admission to First Year Undergraduate Technical Courses in Engineering and Technology on its Website. The admission process started from 20/06/2025 and concluded on 15/09/2025.

6. The petitioner, seeking admission in the aforesaid course applied from Scheduled Tribe Category and appeared in examination of C.E.T. i.e. “Common Entrance Test”. In view of the

marks secured by the petitioner, he could secure admission in Pimpri Chinchwad College of Engineer and Research, Ravet, Pune, in Cap Round No.4 under the Scheduled Tribe Category. Accordingly, a provisional allotment letter was issued by respondent No.4 on 01/09/2025. The petitioner was required to report to the institute on or before 04/09/2025.

7. At this juncture, it is necessary to mention here that the issue of grant of the 'Tribe Validity Certificate', though pending before the concerned committee, was not decided, which compelled the petitioner to forward his request by way of an e-mail on 03/09/2025 to Respondent No.4 / State Common Entrance Test Cell, requesting an extension of time for submission of the Tribe Validity Certificate. The reason mentioned in e-mail for non-submission of certificate was pendency of proceedings, since the Officer-In-charge was unavailable due to leave. In the said e-mail, it was also stated by the petitioner that, as per Admission Rules, if he failed to submit the certificate by 04/09/2025, his admission would be converted to the Open Category and consequently, his admission would be cancelled. The petitioner also raised a similar query to that effect on the Portal

provided by Respondent No.4 with the same request. The petitioner was informed by short message service that he was required to upload Tribe Validity Certificate on or before 04/09/2025, which date was later extended by one day due to administrative reasons.

8. On 08/09/2022, by short message service, the petitioner was informed that his admission had been cancelled because he had failed to produce the Tribe Validity Certificate within the requisite period, and consequently, his admission had been converted to the Open Category.

9. The petitioner thereafter approached this Court by preferring Writ Petition No. 5303 of 2025, seeking directions against respondent No.4 to restore the petitioner's admission in Pimpri Chinchwad College of Engineer and Research, Ravet, Pune, under Scheduled Tribe Category, till final outcome of his Tribe Validity certificate. The interim relief was refused in the said petition, since it was informed that on cancellation of his admission, the post was converted into Open Category. The Court, while deciding Writ Petition No. 5303 of 2025 by its order dated 15/09/2025, directed the Scheduled Tribe Certificate Scrutiny

Committee, Amravati, to decide his claim within a period of two weeks. The request is made by the petitioner for creation of supernumerary post; however, the Court observed that it could be considered after the decision by Respondent No.5 – The Scheduled Tribe Certificate Scrutiny Committee, Amravati. The said petition was thereafter disposed of. Subsequently, the certificate of validity was issued in favour of the petitioner on 24/09/2025, certifying that petitioner belongs to ‘Thakur’ (44), Scheduled Tribe.

10. The petitioner on immediately on next day i.e. 25/09/2025 sent an e-mail to respondent No.4, informing them about validity granted to him and requested for restoration of his admission on his Scheduled Tribe Category Seat by creating a Supernumerary Seat. The said request remained unanswered, which prompted him to file the present petition.

11. In the present petition, learned counsel for the petitioner has prayed not only for directions to Respondent No.4 to restore his admission to the said college by creating a supernumerary seat but has also challenged Government Resolutions dated 04/09/2025 and 05/09/2025 insofar as they exclude Scheduled Tribes from submitting validity certificates

within the extended time granted under the Government Resolution. In short, it is his case that, the extension of time for submission of the certificate was granted to other Castes to persons belonging to Scheduled Caste, Vimukta Jati (V.J.), Nomadic Tribes, (N.T.), Special Backward Class (SBC) Etc, excluding S.T.

12. Learned counsel for the petitioner has also drawn our attention to the Information Brochure issued by the Government of Maharashtra, State Common Entrance Test Cell. He relied upon internal page 10 of the said brochure, more particularly Clause-5, which speaks about the creation of Supernumerary Seats. According to him, as per Clause-5-A, Supernumerary Seats are provided for Foreign Nationals, Persons of Indian Origin (PIO), Children of Indian Workers in Gulf countries, Non-Resident Indians (NRI), as well as Jammu and Kashmir and Ladakh Migrant Candidates.

13. Per contra, learned counsel for the respondents opposed the petition, contending that it was the petitioner who was at the fault, having failed to submit the validity certificate within prescribed time. It was further argued that, in view of

brochure, a Supernumerary seat cannot be created, since it could have been created only for categories of candidates mentioned in Clause-5 of the brochure, which nowhere speaks about the candidates like petitioner.

14. Respondent No.5 - The College in question, though served through e-mail, has not appeared. The petitioner has filed an affidavit of service, hence, we take that Respondent No.5 is duly served.

15. An affidavit dated 26/11/2025 has been filed by Joint Commissioner and Vice-Chairman, Scheduled Tribe Certificate, Scrutiny Committee, Nagpur, in which it is submitted that Government has observed that a considerable number of applicants seeking admission to reserve seats for Scheduled Tribe candidates in professional courses have been submitting their applications for verification at belated stages, which had resulted in administrative difficulties. It is further stated that, in view of the statutory framework of the *Maharashtra 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 Apex Court in the case of *Dilip Vitthal Bambale and others Vs Vinitkumar Motiram Totlod and others in Civil Appeal Nos. 11234-48 of 2017 (Arising Out of SLP (C) Nos. 20210-20224 of 2017) decided on 06/09/2017*, the Tribal Development Department formally submitted a proposal to Department of Social Justice, by which it was recommended that Government Resolution dated 04/09/2025 and its Corrigendum dated 05/09/2025 be cancelled on the ground that the Resolutions were inconsistent with statutory provisions.

16. It further stated that respondent No.3, being competent administrative authority exclusively entrusted with matters concerning the Scheduled Tribe Committee, has formulated a uniform and rational policy governing verification of Tribe Certificates for admissions to Professional Courses. Therefore, respondent No.3 is not bound by the Government Resolution dated 04/09/2025. It is further stated that, while exercising jurisdiction under Article 226 of the Constitution of India, the Court cannot compel the State Government to issue a new policy or extend the scope of existing policy to a different category

person.

17. We have tested the contentions of the respective counsels so also perused the entire record. Our decision making process has also taken into consideration Article 46 of the Constitution of India, which is reproduced as under :-

#### **Article 46 in Constitution of India**

***46. Promotion of educational and economic interests of Scheduled Castes, Scheduled Tribes and other weaker sections - The State shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation.***

18. It is undisputed that the petitioner was qualified and eligible and was consequently granted provisional admission in the respondent No.5- College and his category of admission was Scheduled Tribe. It is also not disputed that, petitioner had requested the authorities to grant him time to produce validity certificate, since submission of the validity certificate was beyond his control. The parties have not disputed that since 2023, the validity claim of the petitioner was pending. It is also brought on record that subsequently, pursuant to the directions issued by this

Court, the concerned Committee has issued Tribe Validity Certificate in favour of the petitioner. The Court while deciding the Writ Petition No. 5303/2025 on 15/09/2025 in para-5 has observed as under :-

*5. The learned counsel for petitioner prayed for creating supernumerary post, however, it can be considered after decision of respondent No.5.”*

19. It is, thus, crystal clear that the petitioner was serious about his studies and therefore, had approached the Court immediately, even for restoration of his admission and creation of a supernumerary post. The promptness of the petitioner entitles him, apart from other factors, to seek restitutive justice. It is further necessary to mention here that the Maharashtra Scheduled Tribe (Regulation of Issuance and Verification of) Certificate Rules 2003, more particularly clause-12 of Rule 4 reads as under :-

“After considering the evidence produce by the applicant or any other person on his behalf, and the statement of the applicant and after taking into account the material gathered by the competent authority, if the competent authority is satisfied about the genuineness of the claim, he shall grant the scheduled

Tribe Certificate to the applicant within a period of **45 days** from the date of the application. ....”

20. Thus, the mandate is to grant or reject a claim of validity within a period of 45 days. The petitioner’s claim from 2023 was not decided within said period. It may be noted that though brochure in-question nowhere speaks about creation of supernumerary posts for candidates like the petitioner but fact remains that post can always be created, since no fault can be attributed to the candidate. Mere technicalities cannot deter this Court to do complete justice to the student who is just 18 years old and is found to be qualified and eligible. It is pertinent to mention here that, the admission process is completed recently. Thus, it can not be said that, the petitioner has “missed the bus”.

21. So far as challenge to Government Resolution dated 04/09/2025 and Corrigendum dated 05/09/2025 is concerned, it is pertinent to mention that under the said Government Resolution except Scheduled Tribe Category all other reserved caste and communities are given benefit to submit the caste validity certificate within period of six months from the date of admission (initially period of two months was granted by way of resolution

dated 04/09/2025, and later by way of Corrigendum dated 05/09/2025, period of six months was extended). Had the said benefit been extended to the candidates of Scheduled Tribe category also, the petitioner could have secured admission in college. We fail to understand why the benefit of Government Resolution dated 04/09/2025 and 05/09/2025 was not made applicable to the candidates of Scheduled Tribe Category also. The students of all caste and categories are required to be given similar statement, keeping in the mind constitutional mandates and reservation policy. The policy of reservation has, in fact, been defeated by the aforesaid resolution, since, if the benefit of the extended time of six months is not given to Scheduled Tribe category students, the student will not only lose admission from the Scheduled Tribe category, but his admission would also be converted to the open category.

22. At the cost of repetition, we state that from the record, it cannot be found that petitioner was at fault in submitting the validity certificate. Denying him admission and non-creation of Supernumerary Post, in peculiar facts and circumstances of this case, would amount to adopting a hyper technical approach. The

eligible candidate cannot be allowed to suffer due to technical approach and therefore, we allow the present petition with following order:

**ORDER**

- a] The writ petition is **allowed**.
- b] A writ of mandamus is issued to respondent No.1 for creation of Supernumerary seat for admission Undergraduate Technical Course in Engineering and Technology for securing the petitioner's admission in *Pimpri Chinchwad College of Engineering and Research, Ravet, Pune*.
- c] The respondent No.5 is directed to admit the petitioner to the Undergraduate Technical Course in Engineering and Technology (4 years), if there is no other hurdle, and to confirm the provisional admission granted to him.
- d] The petitioner is directed to report the respondent No.5 – *The Pimpri Chinchwad College of Engineering and Research, Ravet, Pune* on or before **15/12/2025** and

submit all relevant documents, including Original Caste Certificate, which shall be accepted by respondent No.5.

- e] The petitioner is further directed to comply with further necessary formalities as may be required by Respondent No.5 so as to confirm his provisional admission.

23. Rule is made absolute in above terms. No order as to costs. Pending Application(s), if any, stand(s) **disposed of**.

(RAJNISH R. VYAS, J.)

(ANIL S. KILOR, J.)