

(2021) 10 BOM CK 0062

In the Bombay High Court

Case No : Writ Petition No.7281 Of 2020

Ganesh S/o Dnyaneshwar Kute

APPELLANT

Vs

Vasantrao Naik Marathwada Krushi And Others

RESPONDENT

Date of Decision : 13-10-2021

Acts Referred:

Citation : (2021) 10 BOM CK 0062

Hon'ble Judges : Ravindra V. Ghuge, J; S. G. Mehare, J

Bench : Division Bench

Advocate : M. M. Parghane, S. S. Bora, S. G. Sangle

Final Decision : Disposed Of

Judgement

Ravindra V. Ghuge, J

1. Rule. Rule made returnable forthwith and heard finally by the consent of the parties.

2. The petitioner has put forth prayer clause "C" as under :

"C. By issuing the writ of mandamus or any other writ or direction in like nature, the respondent No.2 may kindly be directed to accept the xerox copy of Non-Cremilayer Certificate and affidavit of the petitioner."

3. We have perused the petition paper book with the assistance of the learned advocates. The learned AGP has placed before us a copy of the communication received by him dated 07.10.2021 from the Sub Divisional Officer, Mehkar along with a copy of the Caste Certificate (Part-A) and Non Creamy Layer Certificate (Part-B) dated 15.03.2018. We have taken the said documents on record which are marked as 'X' collectively for identification.

4. At the very outset we reject prayer clause "C" to the extent of directing respondent No.2 to accept the photostat copy of the Non Creamy Layer Certificate and affidavit of the petitioner.

5. The learned advocate representing respondent Nos.1 and 2 - University submits on instructions that the petitioner has been short listed in pursuance of the advertisement dated 04.12.2014. He has applied for the post of Senior Clerk. The documents verification exercise was performed on 12.10.2020 when the petitioner appeared and tendered a Non Creamy

Layer Certificate dated 31.03.2014. The same was unacceptable as Sub Clause 5 of Clause 4 of the advertisement mandated that the Non Creamy Layer Certificate should be issued on 01.04.2014 or thereafter.

6. The learned advocate for the University has pointed out all the allegations made by the petitioner against the University. The learned advocate for the petitioner submits on instructions that the petitioner is tendering an unconditional apology and he is withdrawing his allegation that the University misplaced his Non Creamy Layer Certificate which he had purportedly submitted. All these allegations set out in the pleadings in the petition shall stand deleted.

7. We appreciate the efforts taken by the learned AGP Mr. Sangle, who has contacted respondent No.4 - Tahsildar, Lonar and with utmost promptitude has produced a copy of the Non Creamy Layer Certificate dated 15.03.2018 and which was issued by the Office of the Sub Divisional Officer, Mehkar on 26.03.2018.

8. In view of the above, this petition is disposed off with the following directions :

(a) The University would place the Non Creamy Layer Certificate dated 15.03.2018, which is page No.2 of the compilation "X" in the file of the petitioner, who is a candidate for the selection process.

(b) The petitioner shall approach the Sub Divisional Officer, Mehkar by filing an application along with the copy of this order, seeking a certified copy of the caste certificate Part-A and Non Creamy Layer Certificate Part-B dated 15.03.2018, issued on 26.03.2018. Such application shall be filed on or before 20.10.2021.

(c) We call upon the Sub Divisional Officer, Mehkar to issue a certified copy of the said certificate, as expeditiously as possible and preferably, on or before 22.10.2021, at 3.00 p.m. The petitioner shall collect the certified copy of the said certificate from the Office of the Sub Divisional Officer, Mehkar at 3.00 p.m. on the said date.

(d) The petitioner shall submit the above stated certified copy to respondent No.1 - Registrar, Vasant Rao Naik Marathwada Krushi University by 5.00 p.m. on 25.10.2021.

(e) Since the University has deferred the selection process for quite some time due to the pendency of this petition, though the documents verification shall be completed on 12.10.2021, we expect the University to allow the petitioner to tender his certificate by 25.10.2021 and thereafter proceed with the selection process.

9. Rule made absolute, in the above terms.