
(2011) 05 SC CK 0098

In the Supreme Court Of India

Case No : Petition for Special Leave to Appeal (Civil) No's. 3039-3040 of 2011

Sunil

APPELLANT

Vs

State of Maharashtra and Others

RESPONDENT

Date of Decision : 09-05-2011

Acts Referred:

Citation : (2011) 6 SCALE 456

Hon'ble Judges : R.V. Raveendran, J;A.K. Patnaik, J

Bench : Division Bench

Advocate : Shivaji M. Jadhav, for the Appellant; Aparajita Singh, Sanjay Kharde, Asha Gopalan Nair and Gaurav Agrawal, for the Respondent

Final Decision : Partly Allowed

Judgement

1. The Petitioner was provisionally admitted to MBBS course in the third Respondent College in the year 2004, by securing the benefit of reservation as a candidate belonging to the Scheduled Tribe of 'Mahadeo Koli'. The Caste Scrutiny Committee, by order dated 31.12.2005 invalidated the Petitioner's caste claim. The Petitioner filed a writ petition (W.P. No. 3067 of 2006) in the Bombay High Court challenging the said order dated 31.12.2005 of Caste Scrutiny Committee. The High Court, by interim order dated 6.10.2006, protected the admission of the Petitioner. Subsequently, the High Court by order dated 27.2.2009, disposed of the writ petition directing Caste Scrutiny Committee to decide the caste claim of the Petitioner afresh. The Caste Scrutiny Committee after giving personal hearing to the Petitioner invalidated the caste claim of the Petitioner vide its order dated 19.5.2009. Aggrieved by the said order, the Petitioner preferred W.P. No. 5066/2009 before the High Court. In the said petition, he also filed Civil Application No. 9066/2010 for issue of a Degree Certificate, as he had already completed the MBBS Course and passed the examination. The High Court by the impugned judgment dated 13.12.2010 dismissed the said writ petition and application of the Petitioner, as a consequence rejecting the caste claim of the Petitioner. Feeling aggrieved, the Petitioner has filed these special leave petitions

challenging the impugned order of the High Court.

2. On considering the matter, we are of the view that the Petitioner has not made out any case for interfering with the finding of the Caste Scrutiny Committee which has been affirmed by the High court. The SLP in the normal course would have to be dismissed.

3. In this case the Petitioner who was admitted to the MBBS Course in 2004 has completed the course and has also passed the examination. In such circumstances, this Court in *State of Maharashtra v. Milind and Ors.* 2001 (1) SCC 4 and in *Yogesh Ramchandra Naikwadi Vs. The State of Maharashtra and Others*, , permitted the students concerned to retain the benefit of the studies undergone by them and the degree obtained in pursuance of it subject to the condition that the candidate shall not claim any benefit of reservation in future.

4. In view of the above, while upholding the decision of the High Court, we direct that the Petitioner's admission shall not be cancelled and that the Petitioner will be entitled to the benefit of the MBBS Course already undergone by him subject to the Petitioner filing an affidavit within four weeks from today undertaking not to claim any further benefit/concession of reservation as belonging to "Mahadeo Koli" Scheduled Tribe throughout his life. He will not be entitled to seek any benefit/concession of reservation in future either for further studies or for employment. It is also made clear that if he has obtained any concession or benefit by way of reduction in fee as a reserved candidate, he will have to make good the same by paying the difference in fees, if not already paid. It is made clear that the Petitioner will be entitled to the benefits of the degree only after making good the payment. This order will not enable any relative of the Petitioner to claim any benefit of reservation.

5. The Special Leave Petitions are disposed of accordingly.