



# तंत्र शिक्षण संचालनालय, महाराष्ट्र राज्य,

३, महापालिका मार्ग, पत्रपेटी क्रमांक १२६७, मुंबई ४०० ००९.

दूरध्वनी - २२६२०६०९, २२६९०६०२, २२६४९९५०/५१, फॅक्स - २२६९२९०२.

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क्रमांक: २अ/एडीएम/प्रवेश/२०१६/१२७५

दिनांक : 22 SEP 2016

प्रति,  
सहसंचालक,  
तंत्रशिक्षण विभागीय कार्यालय,  
मुंबई/पुणे/नाशिक/औरंगाबाद/नागपूर/अमरावती

विषय:- जात वैधता प्रमाणपत्राअभावी अनुसूचित जमातीच्या विद्यार्थ्यांना प्रवेशा पासून वंचित न ठेवण्याबाबत.

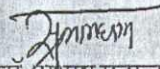
मा. उच्च न्यायालय, मुंबई खंडपीठ, नागपूर येथे दाखल केलेल्या जनहित याचिका क्र. ६३/२०१४ च्या अनुषंगाने मा. उच्च न्यायालयाने दिनांक २४.१२.२०१४ रोजी खालील प्रमाणे आदेश दिलेले आहेत.

However, it is made clear that this order would operate only in the cases of the students whose claims are pending before the Caste Scrutiny Committee and not yet decided. It is further made clear that it will not be applicable to such of the students whose claims are invalidated, unless they are stayed by the competent Court of law. (आदेशाची प्रत सोबत जोडली आहे.)

या संदर्भात शासनाने दि. १९.०९.२०१६ रोजीच्या पत्रान्वये व्यावसायिक अभ्यासक्रमाबाबतची अनुसूचित जमातीच्या (ST) उमेदवारांकडे जात वैधता प्रमाणपत्र उपलब्ध नाही त्यांना प्रवेशापासून वंचित ठेवू नये असे कळविले होते.

शासनाने दिनांक १९.०९.२०१६ रोजीच्या पत्रान्वये दिलेले आदेश आणि जनहित याचिका ६३/२०१४ मध्ये मा.

उच्च न्यायालयाने दिलेले आदेश विचारात घेता जात वैधता प्रमाणपत्र पडताळणी समितीकडून दाव्याची वैधता निश्चित झालेली नसणे किंवा समितीकडे दावा प्रलंबित आहे अशा उमेदवारांना जात वैधता प्रमाणपत्राअभावी प्रवेशापासून व इतर लाभपासून वंचित ठेवण्यात येऊ नये असे आपल्या अधिनस्त सर्व संस्थांना कळविण्यात यावे.

  
(डॉ. सुभाष महाजन)  
संचालक

तंत्रशिक्षण संचालनालय, मुंबई

पृष्ठांकन क्र:- विकाअ/शिक्षण/जात वैधता/२०१६/३१७५

सहसंचालक, तंत्रशिक्षण वि. का. अमरावती.

दिनांक 29 SEP 2016

प्र. सहसंचालक तंत्रशिक्षण  
अमरावती.

प्रत :-

१) प्राचार्य, सर्व संस्था, अमरावती विभाग, अमरावती यांना कळविण्यात येते की, वरिल पत्राच्या अनुषंगाने आवश्यक कार्यवाही करावी.

२) प्रोग्रामर, तंत्रशिक्षण विभागीय कार्यालय, अमरावती यांना संकेतस्थळावर टाकण्याकरीता.



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

Public Interest Litigation No.63 of 2014.

(Bhagwan Namaware V State of Maharashtra, tribal Development  
Department, Mumbai thr its Principal Secretary & others)

Office Notes, Office Memoranda of  
Court, appearances, Court's Orders  
or directions and Registrar's orders.

Court's or Judges Order

Shri S.P. Khare, Advocate for petitioner.  
Smt. B.H. Dangre, G.P. for respondent nos.1 to 5, 11 and 12.  
Shri A.R. Deshpande, Adv for resp.no.8  
Shri P.B. Patil, Adv for resp.nos. 9 and 10.  
Shri R. Badhe, Adv for resp.no.3.

Coram : B.R. Gavai &

V.M. Deshpande, JJ.

Dated : 24<sup>th</sup> December, 2014.

When the matter was listed on 10-12-2014 the learned  
AGP who had appeared sought time till today. Today,  
Smt. Dangre, the learned Government Pleader again seeks time.

The petitioners have approached this Court basically  
being aggrieved by the prospectus issued by the various  
Government Admission Authorities vide which condition has  
been prescribed, thereby insisting upon submission of the Caste  
Validity Certificate by the candidates belonging to scheduled  
tribes category, while admitting them against a seat reserved for



scheduled tribes.

A similar condition in the Government Resolution providing that before appointing a person on a Government employment he shall submit Caste Validity Certificate came to be struck off by the judgment of the Division Bench of this Court while deciding bunch of Writ Petition No.2136 of 2011 on 25-08-2011 to which one member of this Court is (B.R. Gavai, J).

It is not uncommon that the Caste Scrutiny Committee takes long time to decide the issue regarding grant of validity. As such we find that imposing such a condition would cause great prejudice to the scheduled tribes candidate. Before insisting upon such a condition the State should provide competent machinery to decide the claim of the candidates belonging to the scheduled tribes prior to the admission process begins and that too in a legal manner.

In view of the matter, by way of ad-interim order it is directed that the respondent Authorities shall not insist upon furnishing Caste Validity Certificate while admitting them against the seat reserved for scheduled tribes or extending the benefits available to such candidates.



However, the candidates of the scheduled tribes who are admitted against the reserved post and who do not possess the Caste Validity Certificate would be required to submit an undertaking that their admission is subject to the submission of the Caste Validity Certificate and upon their claim being invalidated they shall not claim any equity on account of admission against the reserved seat meant for scheduled tribes. In the undertaking they should also state that in the event the claim of the candidates is invalidated, the candidates shall refund the amount of scholarship received by such a candidate.

However, it is made clear that this order would operate only in the cases of the students whose claims are pending before the Caste Scrutiny Committee and not yet decided. It is further made clear that it will not be applicable to such of the students whose claims are invalidated, unless they are stayed by the competent Court of law.

In view of above observations and directions, the Public Interest Litigation is disposed of.

However, it is made clear that this order would operate

only in the cases of the students whose claims are pending

before the Caste Scrutiny Committee and not yet decided.