



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CIVIL JURISDICTION

WRIT PETITION NO.12653 OF 2023

	Bhushan s/o. Sangappa Chaudhari]	
	Occ: Student, Age: 18 years]	
	R/o. Girinagar, old RTO Road,]	
	Appa dudh Dairy, Akola 444 001]	.. Petitioner.
	v/s.		
1	The State of Maharashtra]	
	Through its Secretary,]	
	Ministry of Higher and Technical]	
	Education, Mantralaya, Mumbai.]	
2	District Caste Certificate Scrutiny]	
	Committee, Akola District, through]	
	its Member Secretary, Bhandaraj BK.]	
	Akola, Maharashtra 444 002.]	
3	The Commissioner,]	
	State Common Entrance Test Cell]	
	Maharashtra State, 8 th Floor,]	
	New Excelsior Building,]	
	A. K. Nayak Marg, Fort,]	
	Mumbai 400 001.]	
4	Directorate of Art,]	
	Khalshalal Awar, Dr. D. N. Marg,]	
	Fort, Mumbai 400 001.]	
5	Mumbai University]	
	through its Registrar, Mahatma]	
	Gandhi Road, Fort, Mumbai 400032.]	
6	The Principle]	
	Sir J. J. Institute of Applied Arts,]	
	Kalashala Awar, Dr. D. N. Marg,]	
	Mumbai 400 001.]	.. Respondents.

Mr. Shrirang Katneshwarkar, for the Petitioner.
Mr. N. C. Walimbe, AGP for Respondent-State.
Mr. Nikhil Chavan, for Respondent No.4.

**CORAM: SUNIL B. SHUKRE &
FIRDOSH P. POONIWALLA, JJ.
DATED : 11th OCTOBER, 2023.**

ORAL JUDGMENT (Per SUNIL B. SHUKRE, J.)

Heard learned Counsel for the Petitioner, learned AGP and the learned Counsel for Respondent No.4.

2 It is seen that the Petitioner was admitted to J. J. School of Arts on a reserved seat and subject to the condition that he was to produce Caste Validity Certificate on or before 14th August, 2023. It is further seen that the Petitioner could not produce the Caste Validity Certificate before the expiry of cut-off date and resultantly, admission of the Petitioner came to be cancelled, though belatedly.

3 Learned Counsel for the Petitioner submits that Caste Validity Certificate was indeed issued to the Petitioner on 16th August, 2023 and it was so, after a period of about 10 months from the date on which the Petitioner filed an application, making a request for scrutiny and issuance of Validity Certificate to the Petitioner. He submits that, there was no fault on the part of the Petitioner and whatever fault was there, it was on the part of the Scrutiny Committee which had not followed the mandate of the sub-rule 10 of Rule 5 of the Caste Certificate Rules 2012 (“Rules 2012” in short) Rules. The learned Counsel for the Petitioner also relied upon the following cases:-

- (1) Writ Petition No. 10361 of 2018 decided on 19th December, 2022;
 - (2) Writ Petition No. 15277 of 2022 decided on 6th September, 2023;
- and

(3) Writ Petition No. 326 of 2020 decided on 13th July, 2022.

4 Sub-rule 10 of Rule 5 of Rules, 2012 lays down that the claim of the Caste Certificate shall be decided by the Competent Authority within 45 days. However, this Rules does not provide for any consequences if the time limit of 45 days is not adhered to by the Competent Authority. This Rules nowhere say that if the claim of Caste Certificate is not decided within the prescribed time of 45 days, it shall be deemed to be issued. Besides, this Rule is applicable to a claim made for issuance of Caste Certificate and is not applicable to a claim made for verification of the Caste Certificate. Therefore, sub-rule 10 of Rule 5 of Rules 2012 would not provide assistance to the Petitioner. However, there is another Rule which may perhaps throw light upon this aspect of the matter which is about maximum time limit within which the Scrutiny Committee shall take its decision. That provision has to be found in sub-rule 5 of Rule 18 of the Rules, 2012. The time limit provided under this provision is of three months in ordinary course but in exceptional circumstances, further time of additional two months has been provided for deciding the claims pertaining to verification of the Caste Certificates. Again, no consequence is prescribed nowhere in this rule, if this time limit is not adhered to by the Scrutiny Committee. That only means that this provision of law would have to be understood as directory in nature and not mandatory in nature.

5 In Writ Petition No. 316 of 2020, the facts and circumstances of the case were different, which showed that the Petitioner therein had already taken admission and there was no action being taken by the Principal of College for ensuring compliance to be made by the Petitioner

regarding submission of the Validity Certificate within a particular period of time and that was the reason why on 27th December, 2018, the Jt. Director of Technical Education informed the Principals of all Colleges in Nagpur that deficiencies in admission forms of the students who were admitted for the Academic Year 2018-19, be directed to be removed by 31st December, 2018. Thus, this was a case where the authorities themselves had extended time for submission of Validity Certificate not just for one student but all the concerned students, and it was in this context, that the Co-ordinate Bench of this Court at Nagpur held that the students must not be made to lose their academic year for want of Validity Certificate. Here, no such general extension of time line is there and the admission that was given to the Petitioner was provisional, subject to the condition that the Petitioner should submit the Caste Validity Certificate latest by 14th August, 2023. Therefore, the said case would not be of any assistance to the Petitioner.

6 We may state here that prescription of last dates for doing certain things including submission of Caste Validity Certificates, have their own sanctity and the rationale is that the admission process must go on smoothly and must not be hindered and halted due to non-submission of necessary documents by students or otherwise, the schedule of whole academic year of students will go haywire in the sense that there would be no finality attached to the admission of students; some students would be admitted earlier; some students later and; some students admitted earlier on provisional basis would be required to go out of the college at a later stage because of their inability to make compliances within the extended period, and all this would result in the inability of college faculty to get on well with the academic and complete the courses within

time. Then, the admission process has peculiar characteristic which does not permit the authorities to relax or tamper with various cut-off dates and time lines prescribed therein. The admission process comprises several stages and each of the next stages cannot be completed unless the previous stage is over. For completing one stage of the admission process, a particular time limit is set and that stage has to be completed within the time limit prescribed for it or otherwise the authority would find it difficult to move forward to the next step. If any extension for completion of one stage is granted, it is bound to adversely impact the action to be taken by the authority and the students in the second stage and it would result in chaos and delay which will ultimately have its cascading effect upon the starting of academic year of the students on time. If there is any delay in starting of the academic year, it would necessarily adversely effect the quality of the education. These reasons would show the sacrosanct nature of various cut-off dates and time lines prescribed for completion of various stages of the admission process.

7 There may, of course be occasions when provisionally admitted students may not be in a position to produce Validity Certificates and there may not be any fault on their part. But, if for such a reason, any interference with the time limits and dead lines prescribed in the admission procedure is made by this Court, it would lead to opening of flood gates for the students coming with similar claims and there would be an argument that if in one case, where there is a delay of just to 2 -3 days, relaxation is made, in other cases as well, where there may be a delay of many months or even a year, same relaxation be granted. Then, in some cases, it may happen that after grant of extension of time to submit Validity Certificate, the student may not be able to produce it

because it is rejected. In such a case, his admission would be cancelled, and one seat will be wasted.

8 We may also state here that fixation of a particular date as the last date for doing some act by the students is a matter of policy and unless and until, the policy maker takes a decision to grant some relaxation in implementation of the time limit, this Court in exercise of its extra ordinary jurisdiction under Article 226 of the Constitution of India, can not direct the authority to relax the policy, except when such relaxation in policy is necessary to facilitate exercise of any fundamental right or removal of illegality. But, that is not the case here, Therefore, it would be not appropriate on the part of this Court to direct the authorities to restore the admission of the Petitioner on the ground that there was no fault on his part in submitting the Validity Certificate on or before the last date fixed for that purpose. That apart, this is not a case where considerable time has gone by after the Petitioner was provisionally admitted to the seat offered by Respondent No.6.

9 As regards the judgment rendered in Writ Petition No.10361 of 2018, we find that the facts were entirely different. In that case, the Petitioner was permitted to attend the College and complete her two years course under the impugned order of this Court and it was for this reason, that this Court applied the settled principle of law "*actus curiae neminem gravabit*" which when broadly translated, means that act of the Court shall prejudice none. These are not the facts of the present case and, therefore, this judgment does not help the Petitioner in any way.

10 As regards the case of Kum. Iqra Maqsood Ahmed Ansari,

Writ Petition No. 15277 of 2022, we find that the Validity Certificate was ready well before the cut-off date but there was inordinate delay on the part of the Scrutiny Committee in sending the Validity Certificate to the Petitioner and it was in this context that, this Court found that the date of the issuance of Validity Certificate being relevant and the date of receipt of the Validity Certificate being not relevant, the Petitioner was entitled to the relief of continuation of his admission, such are not the facts of this case and, therefore, said case would be of no assistance to the Petitioner.

11 In the result, we find that there is no merit in the Petition.

12 Petition stands dismissed.

(FIRDOSH P. POONIWALLA,J.)

(SUNIL B. SHUKRE,J.)