

ITEM NO.54

COURT NO.3

SECTION IX

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).9893/2010

(From the judgement and order dated 04/03/2009 in WP No. 878/2009
of The HIGH COURT OF BOMBAY AT NAGPUR)

SANDEEP Petitioner(s)

VERSUS

STATE OF MAHARASHTRA & ORS. Respondent(s)

(With appln(s) for c/delay in filing SLP and prayer for interim
relief and office report)

Date: 11/07/2011 This Petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE R.V. RAVEENDRAN
HON'BLE MR. JUSTICE A.K. PATNAIK

For Petitioner(s) Mr. Shivaji M. Jadhav,Adv.

For Respondent(s) Mr. Arun R. Pedneker,Adv.
Ms. Asha Gopalan Nair,Adv.

UPON hearing counsel the Court made the following
O R D E R

Delay condoned.

The special leave petition is disposed of in terms
of the signed order.

(O.P. Sharma) (M.S. Negi)
Court Master Court Master
(Signed order is placed on the file)

SLP(C)NO.9893 OF 2010

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION (CIVIL) NO.9893 OF 2010

Sandeep ...Petitioner

VERSUS

State of Maharashtra & Ors. ...Respondents

The petitioner claims to belong to a Scheduled Tribe 'Mana'. He was provisionally admitted to a Diploma course in the third respondent College during the academic year 2008-2009, by extending him the benefit of reservation as belonging to 'Mana' Scheduled Tribe. The Caste Scrutiny Committee by order dated 28.11.2008 invalidated the petitioner's caste claim. The petitioner filed a writ petition in the High Court against the said order dated 28.11.2008 of the Caste Scrutiny Committee. The High Court by the impugned order dated 4.3.2009 dismissed the writ petition, holding that the Caste Scrutiny Committee is justified in rejecting the claim of the petitioner. Feeling aggrieved, the petitioner has filed this Special Leave Petition.

2. This Court while issuing notice on 22.3.2010 stayed SLP(C)NO.9893 OF 2010

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the decision of the Caste Scrutiny Committee and the High Court.

3. On hearing the petitioner, we find that the petitioner has not made out any case for interfering with the finding of the Scrutiny Committee which has been affirmed by the High court. The special Leave Petition in the normal course would have to be dismissed.

4. There is, however, a special circumstance which requires to be noticed. It is stated that the petitioner who was admitted to the Polytechnic Diploma Course in 2008-2009 has completed the course. In such circumstances, this Court in several cases (vide State of Maharashtra vs. Milind and

others 2001 (1) SCC 4 and Yogesh Ramchandra Naikwadi vs. State of Maharashtra & Ors. 2008 (5) SCC 652, among others) had permitted the students concerned to retain the benefit of the course completed by them, subject to the condition that the candidate shall not henceforth claim any benefit of reservation in future. The petitioner shall file an affidavit in this Court undertaking not to claim any further benefit/ concession of reservation as belonging to a 'Mana' Scheduled Tribe throughout his life.

5. In view of the above, while upholding the decision of the High Court, we direct that the petitioner's admission SLP(C)NO.9893 OF 2010

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shall not be cancelled and that he will be entitled for declaration of his results(if not already declared). But he will not be entitled to seek any benefit/concession of reservation in future either for further studies or for employment or for any other member of his family. 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 course of study and diploma, only if he files an affidavit confirming the above within four weeks. This order will not enable any relative of the petitioner to claim any benefit of reservation. The Special Leave Petition is disposed of accordingly.

.....J.
[R.V. RAVEENDRAN]

NEW DELHI
JULY 11, 2011.

.....J.
[A.K. PATNAIK]