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ITEM NO.55

COURT NO.8

SECTION IX

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No(s).14623/2012
(From the judgment and order dated 15/02/2012 in MCAR No.105/2012 in WP
No.1017/2010 of The HIGH COURT OF BOMBAY AT NAGPUR)

SUCHIT Petitioner(s)

VERSUS

STATE OF MAHARASHTRA & ORS. Respondent(s)
(With prayer for interim relief and office report)

WITH

SLP(C) 18796-18797/2013
(With office report)

Date: 17/10/2013 These Petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR
HON'BLE MR. JUSTICE A.K. SIKRI

For Petitioner(s)

SLP(C) 14623/12 & rr Mr. Rajiv Mohite, Sr. Adv.
in SLP(C)18796-97/13 Mr. Kunal Nalamwar, Adv.
Mr. Shivaji M. Jadhav, Adv.

SLP(C)18796-97/13 & rr
in SLP(C) 14623/12

Mr. V. Giri, Sr. Adv.
Mr. Gaurav Agrawal, Adv.
Mr. Shankar Narayanan, Adv.

For Respondent(s)

Mr. Uday B. Dube, Adv.
Mr. Sanjay Kharde, Adv.
Ms. Asha Gopalan Nair, Adv.

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

SLP(C) NO.14623 OF 2012

Learned counsel appearing for the petitioner seeks permission to withdraw the special leave petition. Permission is granted. Consequently, the special leave petition is dismissed as withdrawn.

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SLP(C) NOS.18796-18797/2013

We have heard learned counsel for the parties at length.

We are of the opinion that in the facts and circumstances of the case, it would be appropriate to dispose of the special leave petitions by passing a practical and workable order. We dispose of the special leave petitions with the following directions:

That the petitioner will issue the M.B.B.S. degree within three days of receipt of certified copy of this order. It is accepted by respondent No.1 that he gives up his claim to post-graduate degree of M.D. (Pathology) from reserved seat. Respondent No.1 will, however, be at liberty to seek admission to a post-graduate course from the open category. His candidature will not be rejected on the ground that he is over-age. It is also directed that the fees paid by respondent No.1, prior to this order, relating to post-graduate M.D. (Pathology course) will be refunded.

The impugned order dated 12th December, 2012 and 21st March, 2013 passed by the Bombay High Court will stand modified accordingly.

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In view of the aforesaid observation, we make it clear that the petitioner will also not be prosecuted on the ground of furnishing of false caste certificate.

At this stage, it would be appropriate to make a note of the submission made by the learned counsel for the respondent State of Maharashtra, that this order would perhaps be contrary to the provisions contained in Section 10 of the Maharashtra Scheduled Castes, Scheduled Tribes, Denotified Tribes(Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000. It has been, however, brought to our notice by Mr. Rajiv Mohite, learned Senior Counsel that the respondent No.1 had actually taken admission in M.B.B.S. in 1998 and the Act of 2000 came into operation on 17th October, 2001. Therefore, in our opinion, it would not be appropriate to express any opinion on the same in these proceedings. We have passed the directions in

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view of the particular hardship that has been caused to the respondent. In our opinion, he has already suffered enough. Therefore, we make it further clear that this order has been passed keeping in view the peculiar facts and circumstances of the case and it shall not be treated as a precedent.

The special leave petitions are disposed of in the above terms.

|(VINOD LAKHINA)
|COURT MASTER

|(INDU BALA KAPUR)
|COURT MASTER

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