

**IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE/ORIGINAL JURISDICTION**

**CIVIL APPEAL NO. 3761 of 2020  
( @ SLP (CIVIL) No. 13616/2020)**

**YUVRAJ & ORS.**

**APPELLANT (S)**

**VERSUS**

**THE STATE OF MAHARASHTRA & ORS.**

**RESPONDENT(S)**

**WITH**

**CIVIL APPEAL NO. 3762 of 2020  
( @ SLP (CIVIL) No. 13626/2020)**

**WITH**

**W.P.(CIVIL) NO. 1314/2020**

**O R D E R**

**CIVIL APPEAL NOS. 3761 and 3762 of 2020  
( @ SLP (C) Nos. 13616/2020 and 13626/2020)**

**Leave granted.**

**The appellants have filed a writ petition in the High Court of Judicature At Bombay, Bench At Aurangabad challenging the constitutional validity of Rule 9.4.1 of NEET UG-2020 Brochure, Clause 5 of Annexure 'D' and Instruction No.1 of Annexure 'W' thereof. They sought a direction to the respondents to admit them to the Health Science courses without**

insisting on production of caste validity certificate. The High Court admitted the writ petition and issued notice and directed that the writ petition to be listed on 27.11.2020. The interim relief prayed for by the appellants was rejected by the High Court on the ground that the validity of the rule is under challenge and no interim relief can be granted when the rule subsists.

The Government of Maharashtra issued Information Brochure for admission to health science courses in the State Government/Corporation/Private & Minorities Colleges for MBBS/BDS/BAMS/BHMS/BUMS/BPTH and other courses. Clause 9.4.1 refers to the constitutional reservations that shall be implemented for admission to the undergraduate course in medical sciences. Candidates belonging to the constitutional reserved categories were directed to produce their caste certificates, caste validity certificates and non-creamy layers certificates. Annexure P of the Information Brochure imposed the condition that non production of a caste validity certificate at the time of counselling for document verification would result in the candidate not being considered for admission. The contention of the appellants in the

writ petition is that they have applied for issuance of caste validity certificates but no decision has been taken till date. In the meanwhile, the result of the NEET undergraduate examination was announced on 16.10.2020 and the counselling for admission in undergraduate course for the Academic Year 2020-2021 has commenced immediately thereafter.

In view of the ongoing counselling process which is the second round at present, the contention of the appellants is that they will lose an opportunity for admission to medical courses for the Academic Year 2020-2021 as they do not have a caste validity certificate in their hand at present.

Though in the ordinary course, we would not have interfered with the interlocutory order(s) passed by the High Court, taking note of the fact that the writ petition itself would become infructuous after the initial rounds of counselling is complete, we have heard the learned counsel for the appellants and the learned standing counsel for the State of Maharashtra.

After hearing learned counsel for the parties, we are of the opinion that the appellants should be permitted to participate in the counselling

for admission to medical courses for the Academic Year 2020-2021 on their being qualified in the NEET Undergraduate examination, the result of which has been announced on 16.10.2020. Mr. Rahul Chitnis, learned standing counsel for the State of Maharashtra submits on instructions that there are, in all, 102 applications relating to issuance of caste validity certificates pending as on date before the Caste Scrutiny Committees. It is made clear by Mr. Chitnis that these 102 applications pertain to students who are seeking admission to undergraduate medical courses for the Academic Year 2020-2021. Mr. Chitnis further states that the applications shall be decided before 01.12.2020. In case, the decision is against those students who have sought for caste validation certificate, they are at liberty to approach the High Court for suitable directions. If the students are selected on their own merit, their admissions shall be made on the basis of the caste validity certificate issued by the caste scrutiny committee.

We, therefore, direct the 2<sup>nd</sup> respondent to permit all the students belonging to SC/ST community to participate in the counselling without insisting on a caste validity certificate, of course, subject

to their meeting the other eligibility criteria. Their admission shall be made on the basis of a certificate that they will produce at the time of their joining.

Mr. Chitnis submits that there is an appeal that is pending in this Court relating to a dispute pertaining to the members of 'Gond Gowari Community' belonging to a Scheduled Tribe. Liberty is given to the State of Maharashtra to mention for listing of the said case, in view of some candidates amongst 102 belonging to the said caste.

The appeals are disposed of. Pending application(s), if any, shall also stand disposed of.

W.P.(CIVIL) NO. 1314/2020

In view of the order passed above, the writ petition and the interlocutory applications filed for the same relief are also disposed of.

It has been held by this Court on earlier occasion that the matters pertaining to issuance of caste validity certificates do not brook any further delay and they shall be decided expeditiously. Needless to mention that the High Court shall decide all the cases pertaining to the caste validity

certificates in relation to the admissions to the students in medical courses at the earliest.

.....J.  
(L.NAGESWARA RAO)

.....J.  
(HEMANT GUPTA)

.....J.  
( AJAY RASTOGI )

NEW DELHI;  
20<sup>th</sup> NOVEMBER, 2020

ITEM NO.41+45 Court 7 (Video Conferencing) CORRECTED-APPEARANCE  
SECTION IX

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

ITEM 41

Petition(s) for Special Leave to Appeal (C) No(s). 13616/2020

(Arising out of impugned Interim order dated 11-11-2020 in WP No. 7738/2020 passed by the High Court Of Judicature At Bombay At Aurangabad)

YUVRAJ & ORS.

Petitioner(s)

VERSUS

THE STATE OF MAHARASHTRA & ORS.

Respondent(s)

(with applns. for addition / deletion / modification parties, application for permission, appropriate orders/directions, exemption from filing affidavit and exemption from filing c/c of the impugned judgment)

WITH

SLP(C) No. 13626/2020 (IX)

(with appln. for exemption from filing c/c of the impugned judgment)

ITEM 45

W.P.(Civil) No. 1314/2020

(with applns. for grant of interim relief and exemption from filing affidavit)

Date : 20-11-2020 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO

HON'BLE MR. JUSTICE HEMANT GUPTA

HON'BLE MR. JUSTICE AJAY RASTOGI

For Petitioner(s) Mr. Uday B. Dube, AOR

Mr. Sudhanshu S. Choudhari, AOR

For Respondent(s) Mr. Sandeep Sudhakar Deshmukh, AOR

Mr. Rahul Chitnis Adv.

Mr. Sachin Patil Adv.

Mr. Geo Joseph Adv.

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

CIVIL APPEAL NOS. \_\_\_\_\_ of 2020  
( @ SLP (C) Nos. 13616/2020 and 13626/2020)

Application for deleting the name of proforma respondent Nos.4 to 19 from the array of parties is allowed.

Cause title be amended accordingly.

Leave granted.

The appeals are disposed of in terms of the Signed Order. Pending application(s), if any, shall also stand disposed of.

W.P.(CIVIL) NO. 1314/2020

In view of the order passed above, the writ petition and the interlocutory applications filed for the same relief are also disposed of.

(Geeta Ahuja)  
Court Master

(Anand Prakash)  
Court Master

(Signed Order is placed on the file)

ITEM NO.41+45 Court 7 (Video Conferencing)

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

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