

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7432 OF 2015

SANYUJA SATYANARAYAN BHALERAO U/G OF FATHER
SATYARANAYAN MAHIPATI BHALERAO
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. Jadhavar Pratap V.
AGP for respondent N.1: Mr. S.S. Tope
Advocate for Respondent No.2 : Mr. K.D. Bade Patil
Advocate for respondent No.3: Mr. S. R. Deshpande

WITH
WRIT PETITION NO. 7433 OF 2015

ATISH VIKAS GHATE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Jadhavar Pratap V.
AGP for respondent N.1: Mr. S.S. Tope
Advocate for Respondent No.2 : Mr. A.B. Tele
Advocate for respondent No.3: Mr. S. R. Deshpande

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**CORAM : S. V. GANGAPURWALA AND
V. K. JADHAV, JJ.**

DATED : 6th AUGUST, 2015

P.C. :-

1. Mr. Jadhavar, the learned counsel for the petitioners states that the petitioners have applied for admission to the Agriculture Course with respondent No.3. Though the petitioners have applied from S.T. category and also annexed the tribe certificate so also undertaking, however, the respondents are showing the petitioners

from open category and not considering the applications of the petitioners from S.T. category. The petitioners have submitted undertaking as is required under Annexure H. The petitioners have applied with supported documents. The proposal is also referred to the committee.

2. Mr. Bade Patil and Mr. Tele, the learned counsel for the committee in respective writ petitions, accept that the committee has received the proposals seeking validation of the tribe claim.

3. Mr. Deshpande, the learned counsel for respondent No.3 submits that as the applications were not accompanied with the undertaking as required under Annexure H, the claim of the petitioners from S.T. category is not considered and the same is being considered from open category.

4. We have considered the submissions canvassed by the learned counsel for the respective parties. There are rival claims in the writ petitions. The petitioners have filed copy of application alongwith the documents submitted to respondent No.3. Annexure H shown to have been signed by the respective petitioners. At this stage, it would not be appropriate to enter into the investigation of the facts with regard to submission/non submission of the undertaking as

required under Annexure H. In the writ petitions the same is shown to have been submitted.

5. Be that as it may, it is also not disputed the the petitioners have submitted the proposals seeking validation of their tribe claim and the proposals are pending with the committee. The first round is already over. Even the admissions which have already been given shall not be disturbed.

6. The respondent No.3 shall consider the claim of the petitioners for admission from S.T. category. In case the undertaking as required under Annexure H is not with the applications of the petitioners, as submitted to respondent No.3, the petitioners shall submit the said undertaking afresh before start of next round. Upon submission thereof, respondent No.3 shall consider the claim of the petitioners for admission to the Agriculture Course as applied from S.T. Category, of course, in case there is no other impediment.

7. Writ petitions are accordingly disposed of. No costs.

8. Parties to act on authenticated copy of this order.

(V. K. JADHAV, J.)

(S. V. GANGAPURWALA, J.)