

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1) WP NO.10422/2014

912 WRIT PETITION NO. 10422 OF 2014

SUHASINI RAMESHWAR MITKE THROUGH GUARDIAN RAMESHWAR
MAROTIRAO MITKE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. A.R.Joshi i/b Mr.Nilwant Monish S.
AGP for Respondent State:Mr. G.R.Ingole
Mr. Sant Kishor C., Adv., for R/4.
Mr.Bade Patil K.D., Adv., for R/2.

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CORAM : S.S. SHINDE & P.R. BORA, JJ.
Dated: March 27, 2015

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PER COURT :-

1. Petitioner has tendered across the Bar affidavit of service of notice on respondent no.3; same is taken on record.
2. Heard. Rule. Rule made returnable and heard forthwith with the consent of the parties.
3. This petition is filed aggrieved by the communication received by the petitioner on 14.11.2014, issued by respondent no.3 - the Dean, Seth G.S.Medical College, Mumbai, calling upon the petitioner to submit caste validity certificate failing which her admission shall be cancelled with further prayer seeking direction to respondent no.2 to decide the application of the petitioner for grant of caste validity certificate as belonging to Mannerwarlu Scheduled Tribe within one year. Further, the Counsel for the petitioner submits that the petitioner is prosecuting

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M.B.B.S.Course of First year. Respondents are not allowing her to appear for examination and insisting for submitting caste validity certificate.

4. In our opinion, ends of justice would be met if respondent no.2 is directed to decide caste claim of the petitioner as expeditiously as possible, preferably within one year from today and till then, no adverse action should be taken against the petitioner and petitioner should be allowed to prosecute her studies for the said course by allowing her to appearing for the examinations and by declaring her result.

5. Accordingly, we pass following order:

(a) The impugned communication dated 14.11.2014 (Exhibit B) issued by respondent no.3 is quashed and set aside.

(b) Respondent no.2 is directed to decide the caste claim of the petitioner as expeditiously as possible, preferably, within one year from today. The petitioner to extend necessary cooperation for early disposal of the caste claim.

(c) Till the caste claim of the petitioner is decided, no adverse action should be taken against the petitioner and petitioner should be allowed to prosecute her studies, including appearing for the examination/s and declaration of result.

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(d) Parties to act on the authenticated copy of this order.

(e) Petition is disposed of in above terms. Rule made absolute accordingly.

(P.R. BORA, J.)

(S.S. SHINDE, J.)

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