

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.9554 OF 2013 WITH
CIVIL APPLICATION NO.13945 OF 2015

Punam d/o Ashok Malajangam

Applicant

Versus

The State of Maharashtra & others

Respondents

Mr.Mahesh C. Swami, advocate for the applicant.
Mr.P.S.Patil, A.G.P. for Respondents No.1 to 3.

**CORAM : R.M.BORDE &
P.R.BORA, JJ.**

DATE : 23rd October, 2015

PER COURT:

1 The petitioner has tendered an undertaking to this Court to the effect that she will not claim benefits prescribed for Scheduled Caste category either for pursuing further studies or for seeking employment. The undertaking is taken on record and marked "X" for identification.

2 The petitioner, on the strength of caste certificate issued to her certifying that she belongs to 'Mala Jangam', a Scheduled Caste, secured admission to B.Pharmacy course in Respondent No.4-College as against a seat reserved for Scheduled Caste category.

3 It is not a matter of dispute that petitioner has completed B. Pharmacy course and had appeared for final year

examination of the course. The petitioner has passed B. Pharmacy examination and secured admission to M. Pharmacy course in Respondent No.5-College (in C.A. No.13945 of 2015) as an open category candidate.

4 The caste certificate issued to the petitioner came to be forwarded to Respondent No.3-Scrutiny Committee for verification and same has been invalidated by the Committee by an order dated 16.10.2013.

5 Since the petitioner has tendered an undertaking to the effect that she would not claim any benefits as a member belonging to Scheduled Caste category, the correctness or otherwise of the order passed by the Scrutiny Committee need not be established. It is a matter of record that petitioner has completed B. Pharmacy course after securing admission to the said course as a member belonging to Scheduled Caste category. However, since knowledge gained by the petitioner cannot be withdrawn and that the expertise gained by her would be an asset to the society, no adverse order need be issued against her on the ground of invalidation of caste claim.

6 In the facts and circumstances of this case, this petition can be disposed of in view of the undertaking tendered by the petitioner that she would not claim any post available to the Scheduled Caste category or claim benefit for prosecuting further studies. Petitioner shall be permitted to pursue her further studies of M. Pharmacy Course and Respondent No.4-College/Respondent No.5-College or the University shall not create any impediment in

pursuing Post Graduate studies by the petitioner. She shall be permitted to appear for further examination/s and result thereof shall be declared. The documents, as requested by the petitioner, shall be handed over to her.

7 In view of above, writ petition is disposed of. Civil Application No.13945 of 2015 does not survive and stand disposed of.

P.R.BORA
JUDGE

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R.M.BORDE
JUDGE