

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3110 OF 2015

Kum. Veena Dinesh Rushi Petitioner
vs
State of Maharashtra, through its
Secretary and ors. Respondents

Ms. Rashmi Naik I/by Allena George for the petitioner.
Mr. Rajesh Kanojia for respondent No.2.

**CORAM: ANOOP V. MOHTA AND
K. R. SHRIRAM, JJ.**

DATE : March 26, 2015

P.C.:

Rule. Rule is made returnable forthwith. Heard finally
by consent of parties.

2 The Petitioner's caste claim is admittedly pending with
the Scrutiny Committee. The letters dated 18.11.2014 and dated
6.1.2015 are nothing but denying the right of the Petitioner to
appear in the examination for want of caste validity certificate.
The Petitioner cannot be denied such a right merely because her
caste claim is pending before the Competent Authority and not
proceeding further basically for no fault of the Petitioner.

3 Therefore, at this stage, we are inclined to dispose of this
writ petition by granting prayers (b) and (c). However, it is made
clear that the Petitioner shall not be entitled to claim any equity, if
caste claim goes against the Petitioner. However, that will also be
subject to appropriate order by this Court.

4 We are disposing this petition after hearing the learned
counsel for Respondent No.2. Therefore, there should be no hurdle
of not allowing the Petitioner to appear in the examination and/or
submitting the form for want of communication and/or copy of this
order.

5 The writ petition is allowed accordingly.

6 Rule made absolute accordingly. There shall be no order
as to costs.

7 Parties to act on the basis of an authenticated copy of
this order.

(K. R. SHRIRAM, J.)

(ANOOP V. MOHTA, J.)