

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3834 OF 2014

Urvi Bharath Parmar

)... Petitioner

V/s.

State of Maharashtra & Ors.

)... Respondents

Mr.C.K.Bhangoji a/w Mr.Tanaji Jadhav i/by Mr.R.K.Mendadkar for the petitioner.

Ms.S.S.Bhende AGP for respondent nos.1 & 2.

Mr.R.V.Govilkar for respondent no.3.

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

DATED : 9th April, 2015.

P.C. :

1 Rule. Rule returnable forthwith. Heard finally by consent of parties.

2 The petitioner's caste claim belongs to Mahyavanshi Scheduled Caste is still pending with respondent no.2 since 2.12.2011. Therefore, unless the caste claim issue is decided finally and as it goes to the route of the matter, there is no question of taking adverse order/action against the petitioner including by the University/Education Institution. This court on 8.4.2014 granted interim relief in terms of prayer clause-(d). The statement is made by the learned counsel for the petitioner that the petitioner

accordingly appeared in the examination and pursuing the study/course. There is no question of taking any adverse decision and/or passing any adverse order against the petitioner even in this regard. The petitioner is entitled to continue the benefits unless it is decided finally against the petitioner by the Scrutiny Committee and/or any other related authority. However, it is necessary to direct respondent no.2-committee to decide application filed by the petitioner as early as possible preferably within 9 months in accordance with law. There is no question of claiming any equity if adverse order is passed against the petitioner.

3 Therefore, following order :-

ORDER

- (1) Respondent no.2 to decide the application dated 2.12.2011 as early as possible preferably within 9 months ;
- (2) The petitioner is entitled to continue/pursue his study/course till the final decision of his caste validity certificate and 4 weeks thereafter if adverse order is passed and communicated to the petitioner ;
- (3) There is no question of claiming any equity if adverse order is passed against the petitioner ;
- (4) The petition is accordingly allowed. No costs.

(K.R.SHRIRAM, J.)

(ANOOP V.MOHTA,J)