

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4763 OF 2014

Kum. |Vaishali B. Ushile Petitioner
vs
The State of Maharashtra & ors. Respondents

WITH
CIVIL APPLICATION No. 1102 OF 2015

Mr. Kishor S. Patil with Mr. Nikhil M. Pujari for the
petitioner/Applicant.

Mr. V. N. Sagare, AGP for respondents 1 and 2.

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

DATE : April 29, 2015

P.C.:

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

2 There is no issue that the Petitioner's caste claim is
pending with Respondent No.2-Caste Scrutiny Committee, Nasik

since 2012. Therefore, unless the caste claim is decided, we are inclined to observe that there is no question of debarring the Petitioner from pursuing her study of Engineering Course.

3 By keeping all points open and in view of earlier order passed by this Court on 7 May 2014, permitting the Petitioner to appear in the examination last year, we see there is no reason why the same order should not be continued for all the coming examinations of Engineering Courses, pending the final decision of her caste claim. The Scrutiny Committee is directed to dispose of the caste claim of the Petitioner as early as possible and preferably within nine months. However, it is made clear that this order will be subject to further orders passed against the Petitioner. If adverse order is passed against the Petitioner by the Scrutiny Committee, the effect of the same need not be given for a further period of four weeks.

4 Therefore, the writ petition is disposed of with directing the Respondents to permit the Petitioner/applicant to appearcreamiliar in all the forthcoming examinations of Engineering Course of Information and Technology (Four Years). It is made clear that as the Petitioner is claiming to be belonging to

Mahadeo Koli, based upon the caste certificate already issued, therefore, there is no question of insisting for the payment of court fee as per the law in this regard. The Petitioner, however, undertakes to make the payment if caste claim goes against her. Therefore, at this stage, unless debarred by any other provision, including the issue about creamy layer if any, subject to final decision of by Scrutiny Committee, the Petitioner is also not bound at this stage to deposit the fee as applicable to the open category students. However, all points are kept open.

5 The writ petition is disposed of with liberty to apply for appropriate order by all the concerned.

6 Rule made absolute accordingly.

7 No costs.

8 In view of disposal of writ petition, the above Civil Application also stands disposed of accordingly.

(K. R. SHRIRAM, J.)

(ANOOP V. MOHTA, J.)