

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6246 OF 2014

Ashwin Rajendra Parate

... Petitioner

Vs.

State of Maharashtra & ors.

... Respondents

Mr.Sai Chaugule i/b S.S. Deshmukh for the Petitioner

Mr.Vikas Mali, Assistant Government Pleader, for Respondent Nos.1 to 3

**CORAM: SMT. VASANTI A. NAIK &
SHRI C.V. BHADANG, JJ.**

DATE: 4th FEBRUARY, 2015

ORAL JUDGMENT (Per VASANTI A. NAIK, J.):

Rule. Rule made returnable forthwith. The petition is heard finally with the consent of the learned Counsel for the parties.

By this petition, the petitioner seeks a direction to the respondent No.2 – Scrutiny Committee to decide the caste claim of the petitioner as early as possible. The petitioner also seeks a direction to the respondent No.3 to protect the admission of the petitioner till his caste claim is decided.

According to the petitioner, though the caste claim of the petitioner was referred to the respondent No.2 – Scrutiny Committee long back, the respondent No.2 Committee has not decided the same till date. It is stated that a direction be issued to the respondent No.2 - Committee to decide the caste claim of the petitioner and since the petitioner is not at fault, the education of the petitioner should be protected till his caste claim is decided.

Mr.Mali, the learned Assistant Government Pleader, appearing on behalf of the respondent Nos.1 and 2, states on instructions that the caste claim of the petitioner is pending before the Scrutiny Committee and the vigilance report is called from the Vigilance Cell of the Nagpur Committee as the petitioner originally resided in the Nagpur district. It is stated that as soon as the vigilance report is received, further steps would be taken and the caste claim would be decided as early as possible.

In view of the aforesaid statement, the writ petition is partly allowed. The respondent No.2 Scrutiny Committee is directed to decide the caste claim of the petitioner as early as possible and positively within a period of 9 months from the date of appearance of the petitioner before the Scrutiny Committee. The petitioner undertakes to appear before the Scrutiny

Committee on 3.3.2015 so that notice to the petitioner could be dispensed with. Since the petitioner was not at fault in not producing the caste validity certificate, the education of the petitioner is protected till the caste claim of the petitioner is decided. The petitioner may be permitted to appear at the examination and the results of the petitioner should also be declared.

Rule is made absolute in the aforesaid terms with no order as to costs.

(C.V. BHADANG, J.)

(VASANTI A. NAIK, J.)