

ndm

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
APPELLATE SIDE CIVIL JURISDICTION**

**Civil Application No. 1867 of 2015
IN
Writ Petition No 2484 of 2015**

MS. JAMADAR FATIMABI MOHD. HUSSEN. ...Applicant
V/S
THE STATE OF MAHARASHTRA,
THROUGH SECRETARY,
SOCIAL WELFARE DEPT. AND ORS. ...Respondent(s).

...

Mr. S. R. Moray, i/b Mr. V.S. Talkute, Advocate for Applicant.

Mr. S.S.Bhende, AGP for Respondent Nos.1 to 3.

Mr. I. M. Khairdi, Advocate for Respondent No.5.

...

CORAM : **ANOOP V. MOHTA &
V. L. ACHLIYA, JJ.**
DATE : 09th July, 2015.

P.C.:

. The writ petition is pending with regard to Petitioner's caste claim i.e. "Momin-OBC". There is no remedy available to the Petitioner. Therefore, unless the caste claim of the Petitioner is decided, at this stage, on the basis of averments and in view of the earlier orders passed, by keeping all points open with clear finding that there will be no question of claiming any equity if order goes against the Petitioner, we are inclined to allow the application in terms of prayer clauses (a) and (b) and the same is allowed accordingly.

2 This will be subject to final order in the main writ petition. The application is accordingly allowed. No costs.

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

[V. L. ACHLIYA, J.]

[ANOOP V. MOHTA, J.]