

WRIT PETITION NO.3305 OF 2015

- PETITIONER

VERSUS

- 1) The State of Maharashtra
Through Secretary,
Health Department,
Mantralaya, Mumbai.
 - 2) Maharashtra University of
Health Sciences, Nashik
Through its Vice-Chancellor/
Registrar) Dindori Road,
Mhasrul, Nasik 433 004.
 - 3) Manjara Charitable Trust's
Late Babruwan Vitthalrao Kale
Ayurved Medical College &
Hospital, Through its
Principal/Dean,
Gandhi Market, Bus Stand Road,
District Latur.
- RESPONDENTS

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Ms.Rashmi P.Gour, Advocate for Petitioner/s
Mr.PG Borade,AGP for Respondent No.1/State;
Mr.CA Jadhav, Adv. For Respondent No.2;
Mr.DM Shinde, Adv. For Respondent No.3.

**CORAM : S.S.SHINDE &
P.R.BORA, JJ.**

DATE : 1st March, 2016.

PER COURT

- 1) Heard. Rule. Rule made returnable

forthwith. With the consent of learned Counsel for the parties, the petition is taken up for final disposal at admission stage.

2. By way of this petition filed under Article 226 of the Constitution of India, the petitioner takes exception to letter dated 7th January, 2015 issued by Respondent No.2-University, whereby registration and Eligibility proposal of the petitioner has been rejected which has resulted in cancellation of her admission.

3. The petitioner, who claims to be belonging to Other Backward Class category, has been admitted by the respondent No.2 in the respondent No. 3 – College.

4. At the relevant time, the petitioner had submitted some certificates, which claim that the petitioner is belonging to Non-Creamy Layer category. However, by now, the petitioner has completed two years of her studies and now it would not be possible to accommodate any other candidate.

5. In that view of the matter and in view of the facts and circumstances of the case, Rule is made partly absolute in the following terms.

(I) The studies undertaken by the petitioner on the basis of her claim of belonging to Other Backward Class shall stand protected. However, the petitioner hereinafter would not be entitled to claim any benefits on the basis of belonging to Other Backward Class. The respondent – University shall issue degree in favour of the petitioner on completion of her studies.

(II) The petitioner shall deposit the difference in the fees that is already paid on the basis of belonging to Other Backward Class and payable as a open category candidate, to the concerned College/University within a period of three months from today.

(III) The petitioner shall file an Undertaking before this Court that hereinafter neither she nor her any progeny shall claim any right on the basis of her claim of belonging to Other Backward Class. The

Undertaking shall be submitted within a period of two weeks from today.

(P.R.BORA)
JUDGE

(S.S.SHINDE)
JUDGE

bdv/