

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO. 4206 OF 2016

Parvati d/o Ramchandra Falegaonkar

PETITIONER

V E R S U S

The State of Maharashtra, Through it's
Secretary, Medical Education Department,
Mantralaya, Mumbai – 32 and two others

RESPONDENTS

Mr. M.V. Ghatge, Advocate for the Petitioner
Mr. V.M. Kagne, A.G.P. for the Respondent - State

**CORAM : A.V. NIRGUDE &
V.L. ACHLIYA, JJ.**

DATE : 25th April, 2016

PER COURT :

1. This petition seeks direction to respondent no. 2 – The Competent Authority, Commissionerate, Common Entrance Test Cell, Mumbai to accept the petitioner's candidature for post graduate medical course from O.B.C. category.

2. ***The facts leadings to this petition are rather peculiar and can be stated as under :-***

The petitioner belonged to 'Wani' caste, which till 2008 was not an other backward caste. The petitioner as 'open category student', took admission in Medical College. While she was taking education in 2008, she learnt about the decision of Government to treat 'Wani' as Other Backward Caste. She made several attempts to get her caste claim verified, but in-vain. Lastly in January, 2016, this Court directed the Caste Scrutiny Community to examine her case. In the meantime, the petitioner also appeared for Examination PGM-CET-2016 for post graduation in medical course. She claimed at that time that she belonged to O.B.C. category. After the examination was over, since she did not have Caste Verification Certificate, she submitted her claim as 'Open Category Student' while submitting the preference form. When she realized that a chance of getting seat in Post Graduation Course was deemed, she filed this petition. Apparently, her claim is pending before the Caste Verification Committee.

3. In the facts and circumstances of the case, we are not inclined to direct the respondents to treat the petitioner as O.B.C. candidate. We direct respondent no. 3 – The Divisional Caste Scrutiny Committee to decide the caste claim of the petitioner as early as possible and in any case within 12 weeks from today. The respondent no. 3 – Committee shall report the compliance of this order to this Court. In view of this, petition stands disposed of.

(V.L. ACHLIYA, J.)

(A.V. NIRGUDE, J.)

