

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 12188 OF 2015

**ARSIYA HUSEN MULLA
V/S
DIVISIONAL CASTE CERTIFICATE SCRUTINY COMMITTEE NO.2 AND
ORS.**

**...
Mr.S.S.Phatale,Adv. for petr.
Mr.P.S.Patil, AGP for respondent State.**

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

DATED : 2ND MAY,2016

PER COURT :-

Heard learned counsel for petitioner for admission of the petition. Perused Petition.

2] The petitioner challenged order dated 10/9/2015 passed by respondent no.1 holding that the petitioner could not prove that she belongs to Muslim Khatik which belongs to O.B.C. category. Admittedly the petitioner could not show any document of old origin (prior to 1967) indicating that the petitioner or her father, grand father belonged to Muslim Khatik. It is after 1967, the record started showing caste of the petitioner and her family members as Muslim Khatik. There apparently is a put on pretendance. Vigilance report simply indicates that the petitioner's father was keeping goats and used to sell Mutton. There is practically no satisfactory evidence to indicate that the petitioner belongs to Muslim Khatik community. For want of requisite proof, we do not see any error in the impugned judgment. Petition is dismissed.

2] In view of dismissal of this petition, there is every likelihood that the petitioner may lose her seat in Engineering course. We are inclined to protect her as far as her further education is concerned from open category. We direct respondent no.2 college to permit her to appear in the examination of second year and permit her to continue education till she passes out, on such terms as the college decides which includes deposit of fees from open category. The college may treat her as student belonging to open category.

(V.L.ACHLIYA,J.)

(A.V.NIRGUDE,J.)

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