

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6971 OF 2016

Urmila Chandrakant Baviskar

.... Petitioner

V/s.

State of Maharashtra,
Through the Secretary,
Medical Education and Drugs Department,
Mantralaya, Mumbai & Ors.

.... Respondents

Mr. R.K. Mendadkar for the Petitioner.

Ms. Sushma Bhende, A.G.P., for
Respondent Nos.1 and 2.

CORAM : S.C. DHARMADHIKARI &
DR. SHALINI PHANSALKAR-JOSHI, J.J.

DATE : 22ND JUNE, 2016.

P.C. :

1. Mentioned. Not on Board.
2. The Petitioner has been informed about her counseling / interview for allotment of seat in 'Medicine' i.e. pursuant to the Common Entrance Test. The results of this test were declared on 10th June 2016 and the Petitioner, claiming to be belonging to "Kolhi Malhar" (Scheduled Tribe), sought admission against a reserved seat. She is apprehending that since she will not be able to produce Caste Validity Certificate at the time of submitting the Preference Form, she may not be admitted to any college so as to enable her to undertake a study in 'Medicine'.

3. The Petitioner has stated in this Writ Petition that her Caste Certificate has been submitted to Respondent No.2-Committee on 2nd November 2015. The Committee has been reminded of her pending admission claim. Yet, the Committee has not taken up the Caste Certificate of the Petitioner for scrutiny and verification. The Petitioner has no control over the proceedings of the Committee. In such circumstances, on the Petitioner executing a Bond/Undertaking, as prescribed by Respondent No.1-Department, her counseling session be concluded. Meaning thereby, she may be included and allowed to indicate her preference of a Medical College / Institution. All this would be subject to the order of the Committee.

4. The Petitioner would undertake that in the event her caste claim (Scheduled Tribe) is invalidated, she will not claim any equities.

5. We expect Respondent No.1-Department to give this order as also its policy of an Undertaking/Bond wide publicity so that the aggrieved students need not approach this Court in Petition after Petitions.

[DR. SHALINI PHANSALKAR-JOSHI, J.] [S.C. DHARMADHIKARI, J.]