

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

WRIT PETITION NO. 10242 OF 2014

Iram Abdul Rauf Nakade

... Petitioner

Vs

1. State of Maharashtra & Ors.

... Respondents

Mr. Chintamani K. Bhangoji with Mr. Tanaji Jadhav for the
Petitioner.

Mr. P.G. Sawant, AGP, for the Respondent Nos.1 to 3.

**CORAM : S.C. DHARMADHIKARI &
G.S. PATEL, JJ.**

MONDAY, 29TH FEBRUARY, 2016

P.C. :

1. In the light of the earlier order, Mr. Sawant, learned AGP, sought instructions and the second respondent - Committee has accepted its mistake in passing the impugned order.

2. The Committee has accepted the mistake that it has not perused the Vigilance Cell report in its entirety nor has it applied its mind to the contents thereof.

3. In the circumstances, in view of the Committee accepting the mistake, we set aside the impugned order. We grant the Committee four months' time to pass the requisite orders now and by perusing the entire material. The Committee should apply its mind to the same afresh. While passing a reasoned order, it should not be influenced by any earlier observations and conclusions.

4. The Writ Petition is allowed in these terms. We clarify that every educational qualification which has been obtained by the petitioner shall be treated as provisional and subject to the final orders of the Committee. No degree which has been granted provisionally shall, therefore, confer any right in the petitioner and to claim any entitlement as a reserved candidate in the future.

5. We take a copy of the written instructions received by Mr. Sawant on record and mark it "X:". We clarify that this Court has not expressed any opinion on the rival contentions.

6. The Writ Petition, accordingly, stands disposed of. There shall be no order as to costs.

G.S. PATEL, J.

S.C. DHARMADHIKARI, J.