

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

Writ Petition No. 05309 of 2017

District : Jalgaon

Deepali D/o. Arjun Choudhary,
Age : 19 years,
Occupation : Student,
R/o. Sai Nagar, Pohoor,
Taluka Jamner,
District Jalgaon.

.. Petitioner.

versus

1. The State of Maharashtra,
Through Director of
Technical Education,
Technical Education
Directorate-3,
Mahapalika Marg,
Patrapeti No. 1967,
Mumbai - 400 001.
2. The Principal of
Shree Sureshdada Jain
Institute of Pharmaceutical
Education & Research,
Jamner, Dist. Jalgaon.
3. District Caste Certificate
Scrutiny Committee,
Jalgaon.

.. Respondents.

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*Mr. P.B. Rakhunde, Advocate, holding for
Mr. S.B. Bhapkar, Advocate, for the petitioner.*

*Mr. S.B. Joshi, Asst. Government Pleader, for
respondent nos.01 and 03.*

Respondent no.02 served (Absent).

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**CORAM : R.M. BORDE &
K.L. WADANE, JJ.**

DATE : 28TH APRIL 2017

ORAL JUDGMENT (Per R.M. Borde, J.):

Heard learned Counsel appearing for the petitioner and learned Asst. Government Pleader appearing for respondent nos.01 and 03. None present for respondent no.02 though served.

02. Rule. With the consent of the parties, the petition is taken up for final hearing.

03. The petitioner belongs to 'Teli' caste which is included in Other Backward Class category. She has been admitted to B.Pharmacy course against the seat reserved for Other Backward Class category in respondent no.02 - College. Since the petitioner could not tender validation certificate within the time stipulated by the College, her admission to 1st year B.Pharmacy course has been cancelled by order dated 31.03.2017 issued by the Principal of the College.

04. It is not a matter of dispute that the caste certificate validation of the petitioner is pending consideration before respondent no.03 - Committee. In the facts of this case, it would be appropriate to direct respondent no.03 - Committee to decide caste certificate validation proposal of the petitioner

within a stipulated period and till decision of the Committee, respondent no.02 - College can be directed to permit the petitioner to prosecute the studies. The impugned communication dated 31.03.2017 issued by respondent no.02 - College, cancelling admission of the petitioner, also deserves to be set aside.

05. Hence, the Petition is allowed.

(a) The impugned communication dated 31.03.2017 (Exhibit "E"), issued by respondent no.02 - College, cancelling admission of the petitioner to B.Pharmacy course, is set aside. Respondent no.02 is directed to permit the petitioner to prosecute further studies. Respondent no.02 is also directed to declare result of the petitioner, if any, withheld of the examination in respect of the said course.

(b) Respondent no.03 - Committee shall decide caste certificate validation proposal of the petitioner as expeditiously as possible, preferably within a period of 06 (six) months from today.

(c) The petitioner undertakes to co-operate the Scrutiny Committee in final disposal of the validation claim and further undertakes not to pray for unnecessary adjournment.

(d) Till respondent no.03 - Committee decides the caste certificate validation claim of the petitioner, respondent no.02 - College shall not take any

coercive action on account of non-submission of caste validation certificate by the petitioner.

06. Rule made absolute in the above terms.
There shall be no order as to costs.

(K.L. Wadane)
JUDGE

(R.M. Borde)
JUDGE

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