

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

975 WRIT PETITION NO. 6341 OF 2017

RUCHA RAVIKIRAN CHAVAN
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. Katneshwarkar P.R.
AGP for Respondents/State : Mr. M.B. Bharaswadkar
Advocate for Respondents : Mr. Y.B. Bolkar h/f. A.B. Girase for R/4.
...

**CORAM : S.V. GANGAPURWALA &
MANGESH S. PATIL, JJ.**
DATE : 06.09.2017

P.C. :-

. The caste claim of the petitioner as belonging to 'Tokare Koli Scheduled Tribe' is invalidated.

2. The petitioner in the present writ petition has assailed the said judgment, so also has sought relief for declaration of result of the final year.

3. Mr. Katneshwarkar, the learned counsel for the petitioner on instructions of the petitioner, who is present in the Court states that the petitioner would not press her challenge to the judgment of the Scrutiny Committee invalidating her tribe claim. The learned counsel submits that the petitioner at no point of time has availed the benefit of Scheduled

Tribe. The petitioner was given admission as an open category candidate and the petitioner right since the beginning has paid full fees as applicable to the open category candidate. The petitioner was given admission on merit on the basis of marks obtained and not as a Scheduled Tribe category candidate.

4. We have heard Mr. Bolkar the learned counsel for the respondent-university and the learned A.G.P.

5. The letter issued by the respondent no.5-college dated 10.01.2017 addressed to the Joint Director, Technical Education, Nashik states that the petitioner has been admitted as per the central admission process on merits without availing the benefit of S.T. category candidate. The petitioner is admitted from the open competition category. The petitioner was also not given benefit that of any scholarship as applicable to S.T. category candidate nor the petitioner at any point of time applied for the same. The petitioner was not admitted as against the seat meant for S.T. category and no candidate from S.T. category has been put to disadvantage.

6. The petitioner has given up the challenge to the order of the Scrutiny Committee. It would also appear that documents relied by the

petitioner were mostly of 'Koli' and 'Suryawanshi Koli' caste and there were no documents worth the name to substantiate the claim of the petitioner of 'Tokare Koli'.

7. In light of that, the judgment of the Scrutiny Committee is upheld and confirmed.

8. As it would appear that the petitioner was admitted from open competition category and was never admitted from S.T. category nor the petitioner at any point of time has taken the benefit of S.T. category candidate, the admission of the petitioner from open category cannot be jeopardized.

9. The respondents shall allow the petitioner to prosecute her course as an open category candidate and shall not with hold the result and / or the degree certificate, if the petitioner is otherwise eligible for the same. Writ petition accordingly stands disposed of. No costs.

[MANGESH S. PATIL, J.]

[S.V. GANGAPURWALA, J.]