

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3128 OF 2017

Priyanka Bhagwant Thakur

Petitioner

versus

State of Maharashtra and others

Respondents

Ms.Sheetal V. Chavan for Petitioner.

Mr.VN.Sagare, AGP, for Respondents-State.

CORAM : SHANTANU S. KEMKAR AND
PRAKASH D. NAIK, JJ.

DATE : 14th March 2017

PC :

Heard learned counsel for parties.

2. The grievance of the Petitioner is that his caste validation claim is pending before Respondent no.2 Scrutiny Committee, but in the absence of caste validity certificate, 3rd Respondent-Institute is not permitting the Petitioner to pursue and continue with her educational studies and is also not permitting her to appear for the final year of Master of Management Studies (M.M.S.) Degree course.

3. Having considered the submissions made by learned counsel for the parties and having gone through the order passed by a Division Bench of this Court (Nagpur Bench) in the case of **Bhagwan Nannaware Vs. State of Maharashtra**¹, we are of the view that for

¹ In Public Interest Litigation No.63 of 2014, decided on 24th December 2014

no default of the Petitioner, the Petitioner cannot be made to suffer as in the absence of the decision by the Caste Scrutiny Committee, the Petitioner cannot be expected to submit the certificate as desired by Respondent nos.3 and 4.

4. In the circumstances, we dispose of this petition by directing Respondent no.2 Scheduled Tribe Certificate Scrutiny Committee, Thane to decide Petitioner's caste validation claim as expeditiously as possible, but not later than three months from the date of receipt of a copy of this order.

5. Till Petitioner's caste validity certificate is decided, Respondent nos.3 and 4 shall permit the Petitioner to attend the class and to appear for the final year of MMS degree course. However, the Petitioner shall not be entitled to claim any equity on the basis of this order and the Petitioner's result shall not be declared till the matter is finally adjudicated by Respondent no.2 Scheduled Tribe Certificate Scrutiny Committee, Thane. The Petitioner to appear before Respondent no.2 Committee on 30th March 2017 at 11.00 a.m..

6. With above directions, the petition stands disposed of.

(PRAKASH D. NAIK, J.)

(SHANTANU S. KEMKAR, J.)