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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3212 OF 2017

Shravanee Anil Shinde

... Petitioner

Versus

State of Maharashtra and Ors.

... Respondents

Mr. R.K. Mendadkar for the petitioner.

Mr.V.N. Sagare, AGP for the respondent State.

**CORAM : SHANTANU KEMKAR &
PRAKASH D. NAIK, JJ.
DATED : MARCH 16, 2017.**

P.C.

Not on board. Taken on production board in view of the urgency.

2. Parties through their counsel.

3. The grievance of the petitioner is that the Scheduled Tribe Certificate Scrutiny Committee, Nashik has not decided the petitioner's claim as yet though the same is pending before it since 9.1.2014. He submits that respondent no. 5 has informed the respondent no. 4 College that in the absence of the validity certificate, the petitioner will not be allowed to appear for the first year MBBS examination to be held in Summer 2017. Learned

counsel for the petitioner submits that the petitioner's father, paternal uncle and cousin brother are having caste validity certificate issued by respondent no.2 Committee itself. In the circumstances, according to him, in view of the judgment delivered by the Division Bench of this court in the case of Apurva Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No. 1 and Ors.¹, the petitioner has a good case before the Committee.

4. Having regard to the fact that the petitioner's caste validity claim is pending before the Committee, we are inclined to dispose of this petition by directing the said Committee to decide the petitioner's caste validity claim as expeditiously as possible but not later than three months from the date of receipt of copy of this order.

5. The respondent no. 4 and 5 are directed to allow the petitioner to appear in Summer 2017 MBBS Examination. However, her result shall be subject to the final outcome of the decision as may be taken by the Committee. The Petitioner shall not be entitled to claim equity on the basis of this order allowing to appear in the examination.

6. While deciding the claim of the petitioner, the Committee

¹ 2010(6) Mh.L.J.401

shall consider the law laid down by this Court in the case of Apurva (supra).

7. With the above observations, Petition is disposed of.

(PRAKASH D. NAIK, J.)

(SHANTANU KEMKAR, J.)