

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION (STAMP) NO.11564 OF 2017

OMKAR DHYANESHWAR GAJMAL)...PETITIONER

V/s.

STATE OF MAHARASHTRA AND ORS.)...RESPONDENTS

Mr.Harshad Sathe, Advocate for the Petitioner.

Mr.S.B.Kalel, AGP for the Respondent - State.

**CORAM : SHANTANU S. KEMKAR &
A. M. BADAR, JJ.**

DATE : 26th APRIL 2017

P.C. :

Not on board. Taken on production.

Rule.

2 Rule made returnable and heard forthwith. We have disposed of the writ petition despite the fact that the college itself has not been issued notice as yet from this court, as fairly pointed out by the petitioner's advocate in view of the fact that the examination is scheduled to be held on 28th of April 2017 and the

college will not be affected by the order that we propose passing. Moreover, the writ petition is similar to Writ Petition no.3353 of 2013 which was disposed of by an order and judgment dated 5th April 2013.

3 The petitioner's application for verification is still pending since 2012. The petitioner cannot be prejudiced for no fault of his.

4 In the circumstances the writ petition is disposed of in the following terms :

- i) The petitioner shall be allowed to appear for the examination scheduled on 28th April 2017 and for the written examination in May 2017 in the second year of the Bachelors Degree Course in Civil Engineering by the third respondent on the express condition that this order shall not create any equities in favour of the petitioner in the event that his caste claim is rejected and that if his claim is rejected by the Scrutiny

Committee the admission granted to the petitioner shall stand forfeited in view of the provisions of Section 10 of the Maharashtra Scheduled Castes, Scheduled Tribes, De – Notified Tribes (Vimukta Jatis), Nomadic Tribes, other backward classes and special backward category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000; Needless to say that the letter issued by Respondent no.3 dated 8th April 2017 is quashed and set aside.

- ii) In the meantime, the petitioner shall appear before the Scrutiny committee on 15th May 2017, for directions together with an authenticated copy of this order and thereafter as directed by the Scrutiny Committee. The Scrutiny Committee shall expeditiously dispose of the verification of the caste claim preferably within a period of three months of the date fixed for appearance of the petitioner before the Scrutiny Committee.

5 The results, however, shall not be declared in the
absence of the Caste Validity Certificate.

(A. M. BADAR, J.)

(SHANTANU S. KEMKAR, J.)