

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5069 of 2017

ROHIT RAJU PATIL

)...PETITIONER

V/s.

STATE OF MAHARASHTRA AND ORS.

)...RESPONDENTS

Mr.R.K.Mendadkar, Advocate for the Petitioner.

Mr.C.P.Yadav, AGP for the Respondent - State.

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

DATE : 26th APRIL 2017

P.C. :

1 Not on board. Taken on production.

2 The grievance of the petitioner is that though in the matter in the earlier round of hearing, this court vide order dated 9th January 2017 passed in Writ Petition No.7475 of 2015 directed the District Caste Certificate Scrutiny Committee, Jalgaon, to

examine and decide the claim of the petitioner as expeditiously as possible, but not later than three months, but the Caste Scrutiny committee has not decided the matter as yet. He submits that inspite of there being an order in the said writ petition that till the caste validity claim is decided, interim order passed on 30th July 2015 shall continue, respondent no.4 has passed the order dated 19th April 2017 – Exhibit A, at the behest of respondent no.3 Director of Technical Education to the effect that the petitioner's admission for First Year Mechanical Engineering for the year 2014-15 stands cancelled.

3 According to the petitioner, for no fault of his, the petitioner has to suffer because of the impugned order passed on 19th April 2017 by the fourth respondent at the behest of third respondent.

4 Having considered the submissions made by the learned counsel for the parties, we are inclined to dispose of this petition finding that for no fault of the petitioner, he is made to

suffer. It was the duty of the second respondent Caste Scrutiny Committee to have decided the petitioner's caste validity claim within the time limit which was fixed by this court vide order dated 9th January 2017.

5 In the circumstances, we dispose of this petition in terms of Prayer Clause (a) and (b). As a result, the petitioner be allowed to prosecute his studies in engineering degree course and also to appear in the ensuing examination scheduled from tomorrow i.e. 27th April 2017.

6 The petitioner to appear before the Caste Scrutiny Committee – respondent no.2 on 11th May 2017 at 11.00 a.m.

7 Needless to say that the Caste Scrutiny Committee shall decide the petitioner's caste validity claim within three months from the date of his appearance.

8 Parties to act on the authenticated copy of this order.

(A. M. BADAR, J.)

(SHANTANU S. KEMKAR, J.)