

pa-bgp

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 1176 OF 2015

Poonam Chetan Kshirsagar
(nee Poonam Rajendra Dhayfule) Petitioner.

V/s

The University of Mumbai
and Others Respondents.

Mr. K. K. Jadhav for the Petitioner.
Mr. Rui A. Rodrigues for Respondent Nos. 1 and 2.
Mr. Amit Shastri, Asst. Govt. Pleader for Respondent Nos. 4 and 5 –
State.

**CORAM: B. R. GAVAI &
SANDEEP K. SHINDE, JJ.**

DATE: 6th November, 2017

P.C.:-

- 1] Rule. Rule made returnable forthwith. Heard by consent.
- 2] The Petitioner has approached this Court for writ direction, directing the Respondents to declare the result of the Petitioner of her examination in Master of Management Studies held in April 2012. It is the contention of the Respondents that since the

Petitioner was admitted against the post reserved for OBC category and since she did not have the Caste Validity Certificate of the OBC category, her result was withheld.

3] We find that the stand taken by the Respondents is not sustainable. A perusal of the communication dated 3rd February 2015 addressed by the Institute of Management Studies to the Director of DTE, it reveals that though the Petitioner initially was admitted against the post reserved for OBC category, but since she did not have the Caste Validity Certificate, her admission has been transferred to open category.

4] It could thus be seen that the Petitioner has not taken any benefits of belonging to reserved category. As such, the ground on which the result is withheld is not sustainable in law. In the result, the Petition is disposed of by directing the Respondent – University to declare the result of the Petitioner in terms of prayer clause (a).

(SANDEEP K. SHINDE, J.)

(B. R. GAVAI, J.)