

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION No. 3591/2017.

Asmita Janardhan Londhe, Nagpur.

-VERSUS-

State of Maharashtra and others.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

CORAM : B. P. DHARMADHIKARI
AND ROHIT B. DEO, JJ.

DATE : JULY 01, 2017.

Heard Mrs. S.W. Deshpande, learned
Counsel for the petitioner, Shri P.S. Tembhare, learned
A.G.P. for respondent nos. 2 to 3 and Shri N.S.
Khubalkar, learned Counsel for respondent no.1.

2. This Court has on 14.06.2017 in view of
the validities in the family passed following order -

“ Heard Mrs. S.W. Deshpande,
learned Counsel for the petitioner and Shri
P.S. Tembhare, learned A.G.P. for
respondents.

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2. *Description of respondent no.1 is allowed to be correct. Necessary correction be carried out immediately. Shri Khubalkar, learned Counsel present in Court waives notice for respondent no.1 in corrected name.*

3. *Learned A.G.P. is seeking time to file reply.*

4. *Learned counsel for petitioner submits that as admission process has commenced, respondent no.1 should be asked to treat petitioner as a Scheduled Tribe candidate for that purpose.*

5. *Shri Khubalkar, learned counsel opposes any such direction. He points out that after correction of name of respondent no.1 he has received the knowledge of the matter only in the court and still he has no instructions from respondent no.1.*

6. *As there are few validities in the family of petitioner, we direct the respondent no.1 to treat the petitioner as a Scheduled Tribe candidate as an interim measure during and for the purpose of admission process.*

7. *List the matter for further consideration on 28.06.2017.”*

3. Appeal filed by the petitioner against the order of Sub Divisional Officer, Ahmednagar refusing to issue caste certificate is pending with respondent

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no.2 Committee since 09.12.2016. Learned A.G.P. is seeking time to file reply. He has also raised preliminary objection. According to him, this Court may not have territorial jurisdiction to take cognizance of the issue.

4. The petitioner has taken her education in this area and is also seeking admission here.

5. In peculiar facts and due to order reproduced supra, we keep the objection of learned A.G.P. open.

6. Interest of justice can be met with by directing the respondent no.2 Committee to expeditiously consider the appeal preferred by the petitioner. Accordingly we direct respondent no.2 Committee to look into the validities already granted and to consider the appeal at the earliest, and in any case within a period of four months from the date of communication of this order to it.

7. Till then the interim order already passed by this Court shall continue and shall be subject to the adjudication by the respondent no.2 Committee.

8. Writ Petition is disposed of accordingly.

No costs.

JUDGE

JUDGE

Rgd.