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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.1921 OF 2017

Shital d/o Bandu Bhasme,
Age: 17 years, Occu: Education,
Through her legal guardian
Bandu Bharat Bhasme,
Age: 49 years, Occu: Worker,
R/o. Plot No.138, Gugale Colony,
Burhanagar, Ahmednagar,
Taluka and District Ahmednagar

..PETITIONER

VERSUS

1. The State of Maharashtra,
Through its Secretary,
Social Welfare Department,
Mantralaya, Mumbai
2. The Director,
Directorate of Welfare of VJNT, OBC
& SBC, Pune
3. The Assistant Commissioner,
Social Welfare Department,
Ahmednagar
4. The Principal,
Shri Baneshwar Secondary &
High Secondary School, Burhanagar,
Ahmednagar, Taluka & Dist. Ahmednagar
5. The Principal,
New Arts, Commerce & Science College,
Ahmednagar, Taluka & Dist. Ahmednagar

..RESPONDENTS

Mr P. G. Tambe, Advocate holding for Mr S. S. Jadhavar, Advocate for petitioner;

Mr A. S. Shinde, A.G.P. for respondent Nos.1 to 3;

Mr A. S. Bayas, Advocate for respondent Nos.4 and 5

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**CORAM : PRASANNA B. VARALE
AND
S. M. GAVHANE, JJ.**

DATE : 4th July, 2018

ORAL ORDER:

Heard Mr P. G. Tambe, learned Counsel holding for Mr Jadhavar, learned Counsel for petitioner, learned A.G.P. for respondent Nos.1 to 3 and Mr Bayas, learned Counsel for respondent Nos.4 and 5.

2. Perusal of the order sheet shows that by an order dated 14th February, 2017, notice was already issued to the respondents. On hearing the learned Counsel for the petitioner, we find that the controversy in the petition is limited one and the petition can be disposed of at the stage of admission by issuing certain directions to the respondents/authorities.

3. Certain facts, which are not in dispute are that the petitioner after completing her 10th standard and by obtaining the certificate from the Maharashtra State Secondary and Higher Secondary Education, applied for admission to under graduate course through an application form submitted to the Social Welfare Department. It is the submission of the learned Counsel for the petitioner that the petitioner was desirous of seeking admission for under graduate course, namely, 11th and 12th standards. While filling up the application form by way of online process, the petitioner by sheer inadvertence referred to the course named as “Bachelor of Science” instead of referring course of “under graduate Course”.

4. The petitioner was admitted in the school, namely, Baneshwar Secondary & Higher Secondary School i.e. school being run at Burhanagar, Taluka and District Ahmednagar. The petitioner completed her 11th and 12th standard course and then was admitted to B.Sc. course. The petitioner, being a student belonging to the category of Other Backward Class was entitled to receive scholarship and accordingly she claimed the scholarship. The amount of scholarship was also deposited in the Bank account of the petitioner but treating the claim of the petitioner for this scholarship as a student prosecuting the studies in under graduate course.

5. The petitioner submitted representation to respondent No.3 i.e. the Assistant Commissioner, Social Welfare Department, Ahmednagar on 16th October, 2015. The petitioner admits that an amount of Rs.1,200/- is deposited in her Bank account against the scholarship benefit but due to the error committed by the petitioner in filing up the application form, the scholarship received by her is against under graduate course. There is also representation to respondent No.4, which is at Exh.'F' in the petition. There is also representation to respondent No.2 i.e. Directorate of Welfare of VJNT, OBC & SBC, Pune, dated 22nd September, 2016. Then again there is representation to the Assistant Commissioner, Social Welfare Department, Ahmednagar, dated 17th January, 2017. The caste validity certificate is also placed on record, issued by the competent Scrutiny Committee, dated 10th

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April, 2012 to submit that the petitioner is belonging to 'Shimpi' caste and is a student belonging to OBC category.

6. The only grievance of the petitioner is the representations are submitted to various authorities and they are pending decision before the said authorities. Learned Counsel for the petitioner submitted that but for some inadvertence/mistake, if there is delay in deciding these representations, it would result in prejudice to the petitioner as the petitioner would suffer from non receipt of the scholarship amount, to which she is actually entitled to and would face financial burden to prosecute her studies.

7. There is some merit in the submission of the learned Counsel for the petitioner.

8. Mr Bayas, learned Counsel appearing for respondent Nos.4 and 5 submitted that there is no role to be played by respondent Nos. 4 and 5 in the matter as they only receive the applications approved by the Department of Social Welfare. The students fill up their application forms by way of online process and in this process, there is no role to be played by the Institute. He then submits that the State authorities are required to take appropriate decision on the representations of the petitioner and respondent Nos.4 and 5 would abide by such decision, if taken by the respondents-authorities.

9. The learned A.G.P. also admits that the issue, being limited one, the petition can be disposed of with a direction to the respondents-authorities, before whom the representations submitted by the petitioner are pending.

10. We appreciate the fair stand taken by the learned Counsel appearing for the respective respondents.

11. In view of the above referred facts, we dispose of the petition with a direction to respondent Nos. 2 and 3 i.e. Directorate of Welfare of VJNT, OBC & SBC, Pune and the Assistant Commissioner, Social Welfare Department, Ahmednagar to decide representations submitted by the petitioner on its own merits, as expeditiously as possible and not later than four weeks from the date of the order passed by this Court. Learned A.G.P. to communicate the order of this Court to respondents-authorities.

Writ Petition is disposed of accordingly.

(S. M. GAVHANE, J.)

(PRASANNA B. VARALE, J.)

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