

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.5715 OF 2018

Aishwarya Umesh Rathod

Age: 22 years, occu: student,

R/o 224/A Ulka Nagari

Aurangabad Dist. Aurangabad

Petitioner

Versus

- 1 The State of Maharashtra
 through its Secretary
 Department of Tribal Development
 Mantralaya, Mumbai
- 2 The Scheduled Tribe Caste Scrutiny
 Committee, Aurangabad Division
 Aurangabad
- 3 Directorate of Technical Education
 Maharashtra State, Mumbai
 3, Malapalika Marg,
 Opp. Metro Cinema,
 Mumbai
- 4 State Common Entrance Test Cell
 Maharashtra State, 8th Floor
 New Excelsior Building
 A.K. Nayak Marg, Fort
 Mumbai
- 5 Principal of J.B.I.M.S.
 164, backbay reclamation

H.T. Parekh Marg
Church Gate
Mumbai

- 6 Principal of S.I.M.S.R.E.E.
B-Road Church Gate
Mumbai
- 7 Principal of Prin.L.N.
Welingkar Institute of
Management, Lakhamshi Napoo
Road, Near Matunga, Mumbai

Respondents

Mr. A.S. Bayas advocate for the petitioner
Mr. S.M. Ganachari, Assistant Govt. Pleader for Respondent-State
Mr. S.G. Karlekar advocate for respondent No.2

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CORAM : **R.M. BORDE AND
A.M. DHAVALA, JJ**

DATE : 19th JUNE, 2018

ORAL JUDGMENT:-

(Per: R.M. Borde, J)

1 Heard.

2 Rule. With the consent of the parties, petition is taken-up
for final disposal at admission stage.

3 The petitioner claims to belong to '*Thakur*', scheduled tribe
and is in receipt of the certificate issued by the competent

authority, certifying accordingly. Since the petitioner is desirous of securing admission to M.B.A. professional course, the caste certificate issued to her, has been referred to the Scrutiny Committee for verification. It is informed that the verification proposal is pending with the Scrutiny Committee and in spite of issuance of directions by this Court in Writ petition No.4285/2014 decided on 7.12.2017, directing the committee to take decision in the matter within two months from the date of the order, claim is not yet decided.

4 The petitioner has applied for M.B.A. course and has also passed the eligibility test prescribed by the State Government for admission to the said course. As per the programme declared, the petitioner needs to produce the validation certificate on or before 1.7.2018 upto 5 p.m..

5 It is not desirable to interfere with the programme which may result in causing prejudice to hundreds of students, seeking admission to professional course. The ends of justice would be met by directing the Scrutiny Committee to take decision on the validation proposal tendered by the petitioner before the deadline.

6 Counsel appearing for the Scrutiny committee informs, on instructions, that the vigilance report would reach the Scrutiny Committee by 27.6.2018 and copy thereof would be tendered to the petitioner on the aforesaid date. The petitioner shall appear before the Scrutiny Committee on 27.6.2018 and shall collect the copy of the vigilance report from the office of the Scrutiny Committee. The petitioner shall tender reply to the vigilance cell report on 28.6.2018. The Scrutiny Committee proposes to hear the petitioner on 29.6.2018. The petitioner shall appear for hearing before the Scrutiny Committee on the aforesaid date. The Scrutiny Committee shall pass an order in the matter on 30.6.2018. The petitioner shall herself collect the order from the office of the Scrutiny Committee on the aforesaid date. It would be open for the petitioner to tender the validation certificate, in the event the scrutiny committee decides matter in her favour, to the admission authorities before the dead line. This arrangement has been accepted by the Scrutiny Committee. If the petitioner fails to convince the scrutiny committee to issue validation certificate in her favour, it would not be open for the petitioner to raise any contention in the proceedings before the Appellate Forum or this Court regarding non-observance of the time frame prescribed under rules in respect of tendering of the report of the vigilance cell and insufficiency of time to file

objection to the report, since the directions have been issued in this matter at the instance of the petitioner, to facilitate her to participate in the process of admission.

7 The claim of the petitioner for admission to the professional course shall be considered provisionally; subject to the directions as recorded above. In the event of failure of the petitioner to secure validation certificate, the seat applied for by the petitioner shall be allotted to the next eligible candidate.

8 Rule is accordingly made absolute in above terms.

9 Parties to act on the authenticate copy of this order.

(A.M. DHAVAL, J)

(R.M. BORDE, J)