

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO. 8046 OF 2014

Sonal Babulal Sapkale

.. Petitioner

Versus

The State of Maharashtra and another

.. Respondents

Shri. S. R. Barlinge, Advocate for Petitioner.

Shri. S. K. Tambe, A.G.P. for Respondent No. 1.

Shri. S. B. Bhosale, Advocate for Respondent No. 2.

CORAM : S.V. GANGAPURWALA AND

S. M. GAVHANE, JJ.

DATED : 04th September, 2018

PER COURT:

. The caste claim of the petitioner is invalidated by the committee. The judgment of the committee invalidating the caste claim of the petitioner is upheld by this court in Writ Petition No. 3908/2012. The petitioner assailed the said judgment before the Apex Court in Special Leave Petition. The Special Leave Petition was withdrawn. Thereafter the petitioner filed Review Petition Stamp No. 30418/2012. The said review is also dismissed.

2. The present writ petition is filed seeking directions against the

respondent to declare the result of the petitioner and to issue the degree certificate. The petitioner has completed her course.

3. Mr. Barlinge, learned counsel submits that the petitioner though was admitted from the reserved category has paid the complete fees as is applicable to the open category candidate. At the relevant time, the college where the petitioner was admitted viz. Shri. Chamunda Mata Homeopathic Medical College and Hospital, Jalgaon had intake capacity of 50 students and only 29 students are admitted. The petitioner can be considered from open category. The petitioner has paid the full fees. The petitioner has completed her B.H.M.S. Course. The respondent be directed to issue the degree certificate to the petitioner.

4. The learned counsel submits that in view of the aforesaid facts this court may exercise its equitable jurisdiction.

5. Mr. Bhosale, the learned advocate for Respondent No. 2 submits that the petitioner was given admission from reserved category, as such, is not entitled for eligibility nor is entitled for the degree certificate. It was also upon the directions of the court the petitioner was allowed to appear for the examination and the result was declared. The learned counsel relies on the judgment of the Apex Court in a case of **Chairman and Managing**

Director, Food Corporation of India Vs. Jagdish Balaram Bahira and others, reported in 2017 (4) Mh. L. J. 898.

6. It is not disputed that the petitioner was given admission to the B.H.M.S. course in the academic year 2007-2008 from Scheduled Tribe Category. The caste claim of the petitioner is invalidated by the committee and the said judgment stands confirmed upto the Apex Court. This review petition filed by the petitioner of the judgment of this court is dismissed.

7. The Apex Court in a case of **Chairman and Managing Director, Food Corporation of India Vs. Jagdish Balaram Bahira and others,** referred to supra in paragraph no. 57 (vii) has specifically observed that the withdrawal of benefits secured on the basis of caste claim which has been found to be false and invalidated is a necessary consequence which follows from the invalidation of the caste claim.

8. In light of that the petitioner is not entitled for any relief. Writ petition, as such, is dismissed. No costs.

[S. M. GAVHANE, J.]
ass/wp 8046.14

[S. V. GANGAPURWALA, J.]