

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

WRIT PETITION NO. 13628 OF 2017

Yasmin Begum Pasha Khan .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri R. B. Narvade Patil, Advocate for the Petitioner.

Shri K. N. Lokhande, A.G.P. for Respondent Nos. 1 to 3.

**CORAM : S. V. GANGAPURWALA AND
ARUN M. DHAVALA, JJ.**

DATE : 23RD JANUARY, 2018.

FINAL ORDER :

. Mr. Narvade, the learned advocate for the petitioner submits that, the Tribunal failed to consider that the petitioner had submitted the non creamy-layer certificate before the scrutiny of documents. The said aspect has been ignored by the Tribunal. According to the learned advocate, the petitioner is being considered from open competition category. The petitioner is required to be considered from Woman category. Even from the record of respondents, it can be viewed that, the petitioner had submitted non creamy-layer certificate. The certificate dated 03.11.2011 was of the current year. For the preceding year also the petitioner had submitted non creamy-layer certificate.

2. The learned Assistant Government Pleader supports the order.

3. It has been observed by the Tribunal that the last date for submission of application was 31.10.2011 and the petitioner had obtained non creamy-layer certificate on 03.11.2011. It is further observed by the Tribunal that, in the application filed by the petitioner pursuant to advertisement, the petitioner has specifically stated that, the petitioner does not belong to non creamy-layer category.

4. As the petitioner has specifically written in the application that, the petitioner does not belong to non creamy-layer category, case of the petitioner from woman category cannot be considered, as it is the mandatory requirement for a woman to avail the benefit of reservation, she should belong to non creamy-layer.

5. In the light of the above, no case is made out for interference. The writ petition is disposed of. No costs.

[ARUN M. DHAVALÉ, J.]

[S. V. GANGAPURWALA, J.]