

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.10439 OF 2018

Aarti Sanjiv Saindane.] ... Petitioner

Versus

State of Maharashtra & Ors.] ... Respondents

Mr. R. K. Mendadkar for Petitioner.

Mr. S. B. Kalel, AGP for State - Respondent Nos.1 to 3.

CORAM :- SHANTANU KEMKAR &
SARANG V. KOTWAL, JJ.

DATE :- SEPTEMBER 18, 2018

P. C. :-

Parties through their Counsel.

2. By consent, heard finally.

3. The grievance of the Petitioner is that in spite of there being a Judgment passed by this Court for deciding the Petitioner's caste validity claim within nine months from 28/01/2015, the Committee has not decided the same as yet.

4. The Judgment dated 16th January 2015 passed in Writ Petition No.7690 of 2014 is as follows :

"Rule. Rule made returnable forthwith. The petition is heard finally with the consent of the learned Counsel for the parties.

By this petition, the petitioner seeks a direction to the respondent No.2 – Scrutiny Committee to decide the caste claim of the petitioner within a reasonable time.

Ms.Bhende, the learned Assistant Government Pleader, appearing on behalf of the respondent No.2 - Committee, states that the caste claim of the petitioner is pending before the Scrutiny Committee and the petitioner is directed to remain present before the Committee for hearing on 28.1.2015. It is stated that the caste claim of the petitioner would be decided within a reasonable time.

In view of the aforesaid, the writ petition is allowed. The respondent No.2 Scrutiny Committee is directed to decide the caste claim of the petitioner within a period of 9 months from 28.1.2015. Since the petitioner was not at fault in not submitting the caste validity certificate to the respondent No.3 college, the education of the petitioner is protected till her caste claim is decided. The petitioner should be permitted to prosecute her studies and appear at the examinations, till her caste claim is decided.

Rule is made absolute in the aforesaid terms with no order as to costs."

5. According to the Petitioner, she is in the fourth year of BAMS course and that she had appeared for the examination but her results have not been declared as yet, as she could not submit Caste Validity Certificate.

6. We find that the order passed by this Court has not yet been complied in spite of there being specific direction for deciding the caste validity claim within nine months. We could have taken a serious note of it. However, in order to give one more chance, instead of taking any action for contempt, we dispose of this petition by granting two months time to the Committee to decide the caste validity claim, failing which the matter will be viewed seriously. We also direct that the Petitioner's fourth year results be declared.

7. Petitioner to appear before the Caste Scrutiny Committee on 26/09/2018 at 11.00 a.m.

8. Parties to act on an authenticated copy of this order.

9. While deciding the caste validity claim, the Caste Scrutiny Committee shall take into consideration the law laid down in the case of *Apoorva Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1 & Ors.*¹.

10. With the aforesaid direction, the petition is disposed of.

(SARANG V. KOTWAL, J.)

(SHANTANU KEMKAR, J.)

¹ 2010 (6) Mh.L.J. 401

URS

This order is corrected as per 'Speaking to Minutes' of the order dated 24th September, 2018.