

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 412 OF 2018
WITH
NOTICE OF MOTION NO. 133 OF 2018***

Nehashree D. Sonkusare

Petitioner

Versus

State of Maharashtra & Ors.

Respondents

Mr. Vedchetan Patil, for the Petitioner.

Ms. Jyoti Chavan, AGP, for the State.

Mr. R.V. Govilkar for respondent No.4.

Mr. G.K. Gole for respondent No.6.

Mr. Abhay Arora i/b. Ms. Neha Bhosale for respondent No.3.

***CORAM : RANJIT MORE AND
SMT. SADHANA S. JADHAV, JJ.
DATE : 7th March, 2018.***

P.C. :

By consent of the parties, the Writ Petition No.412 of 2018 is taken up for admission.

2. We have heard learned counsel for the respective parties.

3. The above petition is filed seeking directions in the nature of mandamus to Respondent No.4 to convert the admission of the petitioner under open category. The directions are also sought to Respondent Nos. 3 and 4 to allow the petitioner to complete her graduation in B.D.S. Course.

4. Admittedly, the petitioner got admission in B.D.S. Course in Respondent No.3 – College claiming to be belonging to Scheduled Tribe “Halba”. The petitioner's caste certificate was thereafter sent to the caste scrutiny committee for verification. It is held in the scrutiny that the caste certificate of the petitioner that she belongs to “Halba” tribe, a Scheduled Tribe is falsely obtained and is accordingly invalidated by an order dated 19.8.2013 passed by the Caste Scrutiny Committee. The petitioner challenged the order of the Caste Scrutiny Committee before the High Court and later on took the matter to the Supreme Court. However, the order of the Caste Scrutiny Committee is upheld.

5. In the light of the above, the prayer made in the petition cannot be granted inasmuch as it is settled position of law that withdrawal of benefits secured on the basis of a caste certificate which is found to be false and is invalidated, is a necessary consequence that flows from its invalidation. In this regard, a reference can be made to the decision of the Apex Court in the case of **Chairman and Managing Director, Food Corporation of India & Ors. vs. Jagdish Balaram Bahira & Ors.** 2017(4) Mh.L.J.898.

6. In the light of the above, the petition is dismissed.
7. Needless to mention that the petitioner is at liberty to apply afresh to the B.D.S. Course, if she is eligible under the Rules.
8. In view of the disposal of the above Petition, the Notice of Motion does not survive and the same stands disposed of.

[SMT. SADHANA S.JADHAV, J.]

[RANJIT MORE, J.]