

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

**WRIT PETITION NO. 3651 OF 2015**

Nilesh Bapu Gholap  
Age: 29 years, Occu.: Education,  
R/o Mukundwadi, Near Railway Station,  
Aurangabad, Dist. Aurangabad

..PETITIONER

VERSUS

1. The Maharashtra University of  
Health Science,  
Wani Road, Mhasrul, Nashik

2. The Principal  
Shiva Trust Aurangabad's  
Nashik Nursing College,  
3<sup>rd</sup> Floor, Market Yard, Dindori Naka,  
Nimani, Panchawati, Nashik

..RESPONDENTS

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Mr. N.D. Sonavane, Advocate for petitioner  
Mr. C.A. Jadhav, Advocate for respondent no.1  
Mr. V.B. Jadhav, Advocate for respondent no.2

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**CORAM : SUNIL P. DESHMUKH AND  
R.G. AVACHAT, JJ.  
DATED : 11<sup>th</sup> MARCH, 2019**

**ORAL JUDGMENT (PER : SUNIL P. DESHMUKH, J.)**

Rule. Rule made returnable forthwith and petition is heard finally  
by consent of learned Counsel for the parties.

2. The petitioner had moved this petition in exigency, since the  
petitioner's admission to Post Basic B.Sc. Nursing Course had been cancelled

for non-production of original caste certificate and the petitioner was not allowed to appear at examination, challenging the communication dated 19<sup>th</sup> March, 2015. This Court under its order dated 01<sup>st</sup> April, 2015, had granted ad-interim relief in terms of prayer clauses (D) and (E) and accordingly the petitioner had appeared at the examination and also appears to have completed the course.

3. Learned Counsel for Respondent No.1 – Maharashtra University of Health Science does not dispute the factual position. There is no dispute that petitioner's claim has been validated by the Caste Certificate Scrutiny Committee, Pune Division, Committee No.2, Kolhapur. Validity certificate to petitioner was issued on 29<sup>th</sup> January, 2015.

4. In the circumstances, efficacy of communication dated 19<sup>th</sup> March, 2015, operation of which has been stayed under the interim relief granted by this Court has been lost. Purpose underlying the writ petition gets worked out in the process.

5. Writ Petition, therefore, is allowed in terms of prayer clauses (B) and (C) and is disposed of. Rule is made absolute.

( R.G. AVACHAT, J. )

( SUNIL P. DESHMUKH, J. )

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