

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

908 CIVIL APPLICATION NO.7675 OF 2019
IN WP/9963/2018

VISHAL SUKHDEV SARJE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Applicant : Mr.Vibhute Sunil M.
AGP for Respondents: Smt. A.V. Gondhalekar
Advocate for Respondent No.4 : Mr.S.G.Karlekar

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**CORAM: PRASANNA B. VARALE AND
R.G. AVACHAT, JJ.**

DATED : 16th JULY, 2019.

ORAL ORDER :

By way of the present application the applicant/petitioner prays for early hearing of the petition. Submission of Mr. Vibhute, learned counsel appearing on behalf of the applicant that the decision of the Scrutiny Committee, invalidating the caste claim of the petitioner, as per the matter, in Writ Petition No. 9963 of 2018, the petitioner is desirous for prosecuting her status and the process for admission is going on and as such, the document verification is scheduled tomorrow itself. As such it is

submitted by Mr. Vibhute that the petition be heard peremptorily by giving priority. The alternate prayer in the application is as per the prayer Clause (C), whereby, the applicant prays for directions to allow the applicant/petitioner to participate in the admission process and consider the applicant as Scheduled Tribe Category candidate in the entire MHT-CET-2019 process for the purpose of admission to Direct Second Year Engineering Course in this Academic Year 2019-20.

2. It is not in dispute that the Scrutiny Committee by assigning reasons invalidated the caste claim of the applicant/petitioner, which is the subject matter of the Writ Petition No. WP 9963 of 2018. The petitioner prays for interim order.

3. The Division Bench of this Court could not find any favour with the petitioner for

grant of interim orders. Accordingly, by order dated 30th August, 2018, the petition was admitted by granting Rule and the Division Bench also made it clear that no interim relief need be granted in the matter.

4. It is also not in dispute that there are such other petitions filed on behalf of the students challenging the Caste Committee's orders, which are filed prior to the present petition and these petitions are waiting for their turn. Merely because the petitioner is approaching this Court by way of present application on submission that the admission process is going on and scheduled date for verification of documents is of tomorrow, this Court cannot give go by to all other petitioners who are waiting for their turn to come and to give hearing to the present petition on priority basis. Other prayer is also in the nature of interim order permitting the petitioner to

participate in the admission process in the back drop of the fact that the claim petition of the petitioner was invalidated by the Scrutiny Committee and on the back drop of the Apex Court's Judgment, this Court is not inclined to pass any interim order permitting the petitioner to participate in the admission process, that too, when the prayer for interim relief is already rejected by the Division Bench of this Court by order dated 30th August, 2018. The Application being devoid of merit is liable to be rejected and the same is accordingly rejected.

(R.G. AVACHAT)
JUDGE

(PRASANNA B. VARALE)
JUDGE

mahajansb/