

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Amk

WRIT PETITION NO. 5372 OF 2018
WITH
INTERIM APPLICATION NO. 1 OF 2019
IN
WRIT PETITION NO. 5372 OF 2018
WITH
CIVIL APPLICATION NO. 2011 OF 2018
IN
WRIT PETITION NO. 5372 OF 2018

Ms. Prajakta Shitalkumar Shah .. Petitioner
Vs.
State of Maharashtra & Ors. .. Respondents

WITH
CIVIL APPLICATION NO. 624 OF 2019
IN
WRIT PETITION NO. 5372 OF 2018

Maharashtra University of Health Sciences .. Applicant

In the matter between

Ms. Prajakta Shitalkumar Shah .. Petitioner
Vs.
State of Maharashtra & Ors. .. Respondents

WITH
WRIT PETITION NO. 5442 OF 2018
WITH
INTERIM APPLICATION NO. 1 OF 2019
IN
WRIT PETITION NO. 5442 OF 2018
WITH
CIVIL APPLICATION NO. 2013 OF 2018
IN

WRIT PETITION NO. 5442 OF 2018

Ms. Sayali S. Kalikate .. Petitioner
Vs.
State of Maharashtra & Ors. .. Respondents

WITH
CIVIL APPLICATION NO. 623 OF 2019
IN
WRIT PETITION NO. 5442 OF 2018

Maharashtra University of Health Sciences .. Applicant

In the matter between

Ms. Sayali S. Kelikate .. Petitioner
Vs.
State of Maharashtra & Ors. .. Respondents

Mr. M. V. Thorat a/w. Mr. Anukul Seth for the Petitioner.
Mr. A. I. Patel, AGP for Respondent No.1 & 3.
Ms. Sangita Kalsekar i/b P. N. Dabholkar for Respondent No.4 and
Applicant in CAW 624/19.

CORAM : PRADEEP NANDRAJOG, C.J. &
SMT. BHARATI DANGRE, J.
DATE : 1st OCTOBER, 2019.

P. C. :

1. Rather than deciding the Civil Applications, we prefer to decide the Writ Petitions themselves.
2. The Petitioner of Writ Petition 5372 of 2018 claims to be a member of Gujar Caste recognized as Other Backward Class in the State

of Maharashtra. She cleared NEET examination and was desirous of obtaining admission in the BDS Course for the academic year 2016-17 onwards. She submitted the certificate issued by the Competent Authority certifying that she was a member of community Gujar and was within the income limits. As per the requirements of law, she had to submit a Caste Validity Certificate. She applied to the Caste Scrutiny Committee and informed the said fact. Treating her as a member of the Other Backward Class and subject to her producing the Caste Validity Certificate admission was granted. She was compelled to file the Writ Petition because after completing the first year study course, she being not issued the Caste Validity Certificate the Respondents conveyed to her on 01.02.2018 that she will be entitled to appear for the winter examination (odd batch) instead of examination which was scheduled to be held in the Summer, month of June, 2018.

3. Issuing notice the Court noted that by the time the Petition was filed she had been granted Caste Validity Certificate by the Caste Scrutiny Committee. Therefore she was permitted to take the examination in the month of June, 2018.

4. Facts of Writ Petition No. 5442 of 2018 are identical save and except the Petitioner therein claims to be a member of the Kunbi caste which is recognized as Other Backward Class.

5. Both the Petitioners have obtained Validity Certificates from the Caste Scrutiny Committee and thus would be entitled to be validly enrolled as students in the reserved category. They would be entitled to their results being declared. If they have cleared the examination, they would be entitled to promotion in the 2nd year, 3rd year and so on.

6. The Writ Petitions are disposed of directing that the results of the Petitioners for the 1st, 2nd and 3rd year be declared if they have cleared their examinations, they would be permitted to continue the course in the 4th year. They would be permitted to sit in the examination for the 4th year. The Results would also be declared.

7. The Civil Applications seeking interim direction to permit them to take 4th year examination are disposed of in view of the relief granted in the Writ Petitions.

[SMT. BHARATI DANGRE, J.]

[CHIEF JUSTICE]