

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3442 OF 2020
WITH
CIVIL APPLICATION NO. 8203 OF 2020

Kum. Sneha D/o Suresh Bawulgave ...Petitioner

Versus

The State of Maharashtra and Ors. ...Respondents

Mr R.K. Mendadkar, Advocate holding for
Mr S.S. Phatale, Advocate Petitioner
Mr K.B. Jadhavar, A.G.P. for Respondent/State

**CORAM : S.V. GANGAPURWALA AND
SHRIKANT D. KULKARNI, JJ.**

DATE: 10th DECEMBER, 2020

PER COURT :

1. We have heard the matter for some time in the month of November, 2020 and at the request of the Advocate for petitioner, the matter was adjourned to 2nd December, 2020.

2. On 2nd December, 2020, again at the request of learned counsel for the petitioner, the matter was adjourned to 10th December, 2020. Today, the learned Counsel for the petitioner has filed additional affidavit on behalf of the petitioner.

3. The learned Counsel for the petitioner submits that the Committee has relied upon the statement of Gangadhar Piraji Murshetwar. Gangadhar Piraji Murshetwar is not the blood relative of the petitioner. The learned Counsel submits that opportunity be given to the petitioner to

examine Mr Gangadhar Piraji Murshetwar on oath and to prove that Mr Gangadhar Piraji Murshetwar, whose school record is heavily relied upon, is not the blood relative of the petitioner from the paternal side.

4. The learned Counsel submits that the petitioner would examine Mr Gangadhar Piraji Murshetwar and Piraji Gangaram Anantwad as the witnesses of the petitioner.

5. There appears to be some anomaly in considering the identity card issued by the Election Commission, the age of Gangadhar Piraji Murshetwar vis a vis the entries in the school record.

6. With a view to give one more opportunity to the petitioner, we find it appropriate to accept the request of the petitioner to remit the matter to the Committee for examining the persons as referred to above.

7. In light of that, we pass the following order :-

(i) The impugned judgment is quashed and set aside.

(ii) The parties are relegated before the Committee. The parties may appear before the Committee on 17th December, 2020. The petitioner may examine the witnesses as referred to in the order.

(iii) Considering that the petitioner is exploring the possibility of admission to medical course, the Committee may endeavour to decide the proceeding afresh expeditiously, preferably within a period of 10 days from the date of examination of the witnesses.

8. The writ petition is disposed of. No costs.
9. In view of disposal of the writ petition, the civil application stands disposed of.

[SHRIKANT D. KULKARNI, J.]

[S.V. GANGAPURWALA, J.]

mta