

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 443/2019

(KAJAL SHRAWANJI KATOKE **VERSUS** THE DIVISIONAL CASTE CERTIFICATE SCRUTINY
 COMMITTEE NO.3, NAGPUR & OTHERS)

Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

Shri P.R. Agrawal, counsel for the petitioner.
 Ms S.S. Jachak, A.G.P. for R-1.
 Shri H.D. Dangre, counsel for R-2.
 Mrs. Anjali Bhandarkar, counsel for R-3.

**CORAM : R.K. DESHPANDE AND
A.S. CHANDURKAR, JJ.**

DATE : JANUARY 03, 2020.

On 18.01.2019, this Court passed an order as under:-

"Heard.

2. *Writ Petition No.3271/2018, filed by the petitioner was disposed of by this Court on 06.08.2018, by directing the Scrutiny Committee to decide the caste claim of petitioner for Nomadic Tribe category, within a period of 8 weeks. This Court further directed that the interim order passed on 18.06.2018, protecting education of petitioner in respondent no.2 College, shall continue to operate till the decision of the Scrutiny Committee.*

3. *The petitioner has passed her 5th Semester examination in Engineering Course and is proposing to appear for 6th Semester examination scheduled to be held in March/April, 2019, but, the claim of the petitioner for admission is not processed on the ground that the petitioner has failed to produce caste validity certificate. The Committee has sought extension from this court. It seems that the Committee has kept the matter pending on the ground that certain clarification is to be received from the State Government, and there is no possibility of Committee deciding the caste claim on*

merits, at least for a period of one year from today, and thus the petitioner cannot be made to suffer.

4. Issue Notice for final disposal of the matter, returnable on 15.03.2019. Learned G.P. waives notice for respondent no.1.

5. We express that in terms of the earlier decision of this Court, respondent nos.2 and 3 cannot prevent the petitioner from prosecuting her education in Engineering Course. She has to be permitted to continue with the said course without production of caste validity certificate.

6. We, therefore, make it clear that if the petitioner is not permitted to appear in the examination till the decision of the Scrutiny Committee and to prosecute her studies in Engineering Course, we will be constrained to issue notice of contempt to respondent nos.2 and 3.”

In response to the aforesaid order, we are informed that the petitioner is permitted to appear in the examination and also to prosecute her studies in Engineering Course. The question is of submission of caste validity certificate by the petitioner.

The learned Assistant Government Pleader appearing for the Scrutiny Committee makes a statement that if on 06.01.2020 the petitioner appears before the Committee the final decision shall be taken in the matter. The petitioner undertakes to appear before the Scrutiny Committee on 06.01.2020.

In view of this, the grievance of the petitioner does not survive. The writ petition stands disposed of. No costs.

(A.S. CHANDURKAR, J.)

(R.K. DESHPANDE, J.)