

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

**4 WRIT PETITION NO.611 OF 2020
WITH CA/7237/2021 IN WP/611/2020**

**ANUSAYA NARSINGH KHADKE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Advocate for Petitioner : Mr. Biradar R.D. Biradar
AGP for Respondent/State : Mr. S.R. Yadav-Lonikar
Advocate for Respondent No.4 : Mr. A.R. Joshi
...

**CORAM : RAVINDRA V. GHUGE &
S.G. MEHARE, J.J.**

DATED : 31st JULY, 2021

PER COURT:-

1. By this petition, the petitioner has put-forth prayer clause-B and C which read as under:

“B. Kindly be quash and set aside order dt.21/11/2019 passed by the Respondent No.4.

C. Kindly be directed to Respondent No.4 to issue certificate of Maharashtra State Eligibility Test (MH-SET) in favour of petitioner.”

2. A short issue emerges from this petition which is, ‘whether the petitioner can be treated to be belonging to a reserved category without any caste certificate being issued by any competent authority within the State of Maharashtra, on the basis of a caste certificate issued by the State of Karnataka.’ However, neither the caste certificate is placed on record before us though this petition is pending since December 2019, nor has the petitioner even whispered in the memo of the petition as to which is the caste to which she belongs. This missing

details are enough for us to dismiss the petition.

3. Be that as it may, the reliance placed by the petitioner on Government Resolution dated 10.07.2008 issued by the General Administration, State of Maharashtra pertaining to the residents of 865 villages who are Marathi speaking persons, situated on the Maharashtra – Karnataka border, is totally misconceived. The said government resolution is with regard to the employment opportunities to be made available to such Marathi speaking candidates who are residents of 865 villages within the State of Karnataka and which are situated on the Maharashtra – Karnataka border. The government resolution allows such candidates to apply for employments if they can produce a domicile certificate indicating that they have been residing for more than 15 years in any of these 865 villages. This government resolution has nothing to do with the petitioner purportedly belonging to a reserved category under the State of Karnataka and failing to produce any caste certificate from the State of Maharashtra.

4. We called upon the learned advocate for the petitioner as well as the learned AGP to point out any government resolution which would permit such persons residing in 865 villages bordering the Maharashtra – Karnataka States, to produce a caste certificate showing them to be belonging to a reserved category, issued by a competent authority of the State of Karnataka, which could be entertained by the State of Maharashtra for presumption that the same reservation benefit available in the State of Karnataka would be made available to such candidates in the State of Maharashtra. Both the learned counsel submit

that there is no such government resolution which has been issued by the State of Maharashtra.

5. The petitioner has then voiced a grievance that though she has appeared for her SET examination conducted by the Savitribai Phule Pune University on 23.06.2019, her result has still not been declared. Shri Joshi, the learned advocate appearing on behalf of the University submits on specific instructions that the result of the SET exam has already been declared and the petitioner herself has placed the said result on record at page no.12 of the petition paper book. She has passed the SET examination. Page no.12 is a screen shot image saved to the gallery and which has been produced before us by way of a print out.

6. Shri Joshi has relied upon the Updated Notification for 35th MH-SET for Assistant Professorship. The said notification was with regard to the examination to be conducted on 23.06.2019 by Savitribai Phule Pune University for the States of Maharashtra and Goa. Clause-E of the conditions of eligibility clearly states that “*The candidates of other States (other than Maharashtra and Goa) belonging to reserved categories shall be treated as Open category, as per the rules of the Maharashtra and Goa States.*”

7. Considering the above recorded facts, we do not find that the petitioner has made out a case for exercising our writ jurisdiction under Article 226 of the Constitution of India. The prayers put-forth by the petitioner cannot be accepted since this petition sans merit.

8. In view of the above, this petition is disposed off with the

following observations:

- a) Respondent no.4, the Co-ordinator SET Examination Unit of the Pune University would provide a hard copy of the SET examination passing certificate along with the marks memo to the petitioner, subject to payment of the requisite fees by the petitioner.
- b) Since the rules do not prescribe, we are not passing an order directing the University to treat the petitioner as belonging to a reserved category.

9. In view of the above, the pending civil application does not survive and stands disposed of. Nevertheless, the petitioner would be at liberty to apply for Ph.D Entrance Exam, if she is eligible to appear for the said examination as per the rules of the Savitribai Phule Pune University.

(S.G. MEHARE. J)

(RAVINDRA V. GHUGE, J)