

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 322/2021.

Ku. Dhanvi Sharad More Petitioner.

-VERSUS-

State of Maharashtra and others. Respondents.

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Shri P.S. Khubalkar, Advocate for the Petitioner.

Shri A.A. Madiwale, Assistant Government Pleader for
Respondent Nos.1 and 3.

Shri A. Deshpande, Advocate for Respondent No.2.

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CORAM : NITIN JAMDAR AND
ANIL S. KILOR, JJ.

DATE : 20 JANUARY 2021.

P.C.

Heard learned Counsel for the Parties.

2. The Petitioner, a student who was pursuing her studies in MBBS has filed this petition for two reliefs. First, to direct the Respondent No.2 University to declare her result for 3rd year MBBS and permit her to prosecute her further students.

The second, to direct Respondent No.3 Scheduled Tribe Verification Scrutiny Committee, Amravati to decide Petitioners' claim expeditiously.

3. As regards to withholding of result is concerned, our attention is drawn to order passed by the Division Bench of this Court on 21 September 2016 in Writ Petition No. 4608/2015 filed by the Petitioner. The Division Bench while disposing of the said Writ Petition had made the following observations :

“ In view of the statement made by the learned Additional Government Pleader, we all the Writ Petition. The respondent no.6 – Scrutiny Committee is directed to decide the caste claim of the petitioner within 15 months. The respondent nos. 4 and 5 are directed to protect the education of the petitioner till her caste claim is decided. That would mean that the petitioner may be permitted to attend the classes, appear at the examination and the result of the petitioner should be declared till her caste claim is decided, if there is no impediment in doing so.”

Therefore, till the caste claim is to be decided, it was clear that the result ought not to have been withheld. The learned Counsel for the Petitioner states that the Respondent University has declared the result yesterday, and therefore, this prayer does not survive.

4. As far as the direction to Scrutiny Committee is concerned, the Scrutiny Committee was directed, as far as back in September 2016, to decide the caste claim within 15 months, however, till date the caste claim has not been decided. The learned Counsel for Respondent Committee states that 6 months further period be granted for said purpose. While we grant this extension by way of indulgence, we put Respondent Scrutiny Committee to notice that any breach to adhering to this time limit would entail to imposition of heavy costs.

5. Writ Petition is accordingly disposed of by directing Respondent Scrutiny Committee to decide the pending caste claim of the Petitioner within a period of six months from today.

(ANIL S. KILOR, J)

(NITIN JAMDAR, J)

Rgd

Rakesh
Dhuriya

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by Rakesh
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