

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

957 WRIT PETITION NO.9890 OF 2022

**VAISHNAVI GANGARAM THAKUR
VERSUS
STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS**

...
Advocate for Petitioner : Mr. R.K. Mendadkar h/f. Mr. S.S. Phatale
AGP for Respondents/State : Mr. S.G. Karlekar
...

**CORAM : RAVINDRA V. GHUGE &
ARUN R. PEDNEKER, JJ.**

DATED : SEPTEMBER 29th, 2022.

PER COURT :

1. The petitioner has put forth prayer clause 'A' as under :-
 - a. that this Hon'ble Court be pleased to issue a writ of mandamus and or any other writ, order or direction in the nature of mandamus directing the Respondent No. 2 committee to decide the application dated 3.9.2021 filed by the petitioner for grant of Caste Validity Certificate as expeditiously as possible and in any event, positively before commencement of admission process of Engineering degree courses for the academic year 2022-23.
2. We have considered the submissions of the learned advocate for the petitioner and the learned AGP on behalf of the respondents.
3. The petitioner has forwarded a proposal for seeking a validity certificate on 3.9.2021 when she was already in the 12th standard and her final examination was scheduled in April/May 2022. She now desires to seek admission in a professional course, in an engineering college, for the academic year 2022-2023. Her family tree is pointed

out, wherein, amongst the close and the far distinct relatives of the petitioners, we find that there are two validity certificates in favour of Darshan Sanjeev Thakur, son of the biological brother of the petitioner's father (the first cousin brother), Chaitali Sanjeev Thakur, biological sister of Darshan and Leena Sanjeev Thakur, biological sister of Chaitali and Darshan, who has been granted validity certificate by this Court at the Principal Seat in Writ Petition No. 1361/2017. Amongst the far distinct relatives, belonging to the branch of the great great great grandfather Jaising Ramsing Thakur (the petitioner belongs to Pandu Ramsing Thakur's branch), Ulhas Vithaba Thakur, Bhavsing Vinayak Thakur, Subhash Vinayak Thakur, Santosh Ramsing Thakur, Devsing Ramsing Thakur and Isha Devsing Thakur have been granted validity certificates.

4. The learned advocate for the petitioner makes a statement to the Court on behalf of the petitioner that after the Vigilance Cell Enquiry Report is served upon her, she would not insist for the 15 days mandatory notice period to tender her written explanation/written say. She would be satisfied if she gets around 72 hours time so as to prepare the reply.

5. The learned AGP vehemently submits that there have been several instances, of students belatedly tendering the proposal and then rushing to the High Court, seeking expediting of their proceedings. Thus, in this case, the petitioner tendered her proposal on 3.9.2021 and now it is prayed that a decision be delivered prior

to 9th November, 2022, since that is the last date for tendering the validity certificate in order to fructify her admission. He further submits that there are around 9000 time bound cases for decision before the Committee. Most of them have been expedited under the orders of this Court. The Committee is working very hard to dispose off these matters, within the time frame granted by this Court. In many cases, contempt petitions have been filed. He, therefore, submits that a Vigilance Enquiry which is under way, can be completed by following the due procedure laid down in law and the claim of the petitioner can be decided by 31st January, 2023.

6. We quite see the predicament of the Committee and the burden, which it shoulders. Such matters are not to be lightly completed or hurriedly concluded. Nevertheless, considering the family tree produced before us in this petition at page No. 45, there are atleast 3 validity certificates amongst the first biological cousins of the petitioner. One of them, Leena, has been granted validity by the judgment of this Court.

7. Taking into account these aspects and the law laid down in *Apporva d/o Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1 Nagpur* reported in *2010(6) Mh.L.J.401*, we deem it appropriate to direct the Committee to decide the claim of the petitioner, on or before 7th November, 2022 so that, in case the petitioner succeeds, she can file her validity on 9th November, 2022 and secure an admission.

8. We make it clear that if the Committee finds any contra evidence, it is at liberty to independently consider the same. We have not expressed any opinion in favour of the claim of the petitioner.

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

[ARUN R. PEDNEKER J.]

[RAVINDRA V. GHUGE, J.]

SSC/