

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

WRIT PETITION NO. 3114/2021

(PUJA RAMESH NEWARE **VERSUS** STATE OF MAHARASHTRA & OTHERS)

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

Court's or Judge's order

Shri A.K. Neware, counsel for the petitioner.

Shri A.M. Deshpande, Additional Government Pleader for the R-1 to 3.

CORAM : A. S. CHANDURKAR AND SMT. M.S. JAWALKAR, JJ.

DATE : MARCH 29, 2022.

Heard.

The petitioner who belongs to Gond Gowari tribe has been issued a caste certificate on 05.04.2019 followed by a validity certificate dated 21.10.2020. The petitioner secured admission in the Post Graduate degree course in M.Tech. and thereafter applied for free-ship/scholarship by submitting an online application on 30.06.2021. Since this application was rejected on the ground that the students belonging to Gond Gowari community were not entitled to such benefits, the petitioner has challenged the same.

The learned counsel for the petitioner submits that no specific decision has been taken by the State Government in the matter of grant of free-ship/scholarship to the students belonging to Gond Gowari community so as to refuse such benefits to students from the Gond Gowari community and therefore the respondent nos.1 to 3 erred in not granting the benefit of free-ship/scholarship.

In the reply filed by the respondent nos.1 to 3, reference has been made to the judgment of the Hon'ble Supreme Court in *The State of Maharashtra & Others Versus Keshao Vishwanath Sonone*, dated 18.12.2020. According to them by virtue of the directions in paragraph 101 of that judgment, the petitioner would not be entitled to the relief sought in the writ petition.

We have heard the learned counsel for the parties. We have also perused the aforesaid decision and especially paragraph 101 thereof which reads as under:-

“101. We in the ends of justice direct that the admissions taken and employment secured by the members of ‘Gowari’ community on the basis of Scheduled Tribe certificate granted to them between 14.08.2018 till the date shall not be affected by this judgment and they shall be allowed to retain the benefit of Scheduled Tribe obtained by them. However, the above Scheduled Tribe candidates shall not be entitled to any further benefit as Scheduled Tribe except their initial admission in different courses or employment at different places on the strength of Scheduled Tribe Certificate given to the ‘Gowari’ community obtained between 14.08.2018 and this day.”

It is clear that the petitioner has received her caste certificate as well as validity certificate between 14.08.2018 and 18.12.2020. In view of aforesaid, no fault can be found with the action of the respondents in not granting free-ship/ scholarship to the petitioner.

The writ petition is therefore dismissed with no order as to costs.

(SMT. M.S. JAWALKAR, J.)

(A. S. CHANDURKAR, J.)

APTE