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

WRIT PETITION NO. 6681 OF 2022

Shital D/o. Uttam Sor,
Aged about 21 Yrs,
Occ. Education, R/o. At-Ghatnandra
Post- Dudha, Tah. and District Buldhana. PETITIONER

// VERSUS //

- 1) The State of Maharashtra through its the Directorate Director of Medical Education and Research, Government Dental College and Hospital Building St George's Hospital Compound, Mumbai -01.
- 2) The Admissions Regulating Authority, through its Chairman, State of Maharashtra, 9th Floor New Excelsior Building A. K. Nayak Marg, Fort, Mumbai – 01.
- 3) The State Common Entrance Test Cell, Maharashtra State, through its Commissioner and Competent authority, 8th Floor, New Excelsior Building A. K. Nayak Marg, Fort, Mumbai - 01.
- 4) The Maharashtra University of Health Sciences Nashik, through its Registrar, Dindori Road, Mhasrul Nashik – 422004.
- 5) Godawari College of Nursing Jalgaon, Through its Principal, Tah and District Jalgaon. RESPONDENTS

Mr. B. G. Kulkarni, Advocate for petitioner.
Mrs. Kalyani Deshpande, AGP for respondent No.1.
Mr. N. A. Gaikwad, Advocate for respondent No.2.
Mr. Abhijit Deshpande, Advocate for respondent No.4.

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**CORAM : AVINASH G. GHAROTE AND
URMILA JOSHI-PHALKE, JJ.**

DATED : 10.11.2023

ORAL JUDGMENT : [PER: URMILA JOSHI-PHALKE, J.]

1. Heard.

2. Rule. Rule made returnable forthwith. Heard finally by consent of the learned counsel appearing for the parties.

3. We find the impugned order dated 02.06.2022 as having been passed mechanically and without any application of mind to the explanation submitted by the petitioner as to how her Tribe which is Nomadic Tribe (C) was understood by her to be falling in the category of NT-2. It is the submission of learned counsel for the petitioner that since the petitioner possesses a caste certificate showing her to be belonging to Nomadic Tribe (C), the petitioner in good faith believed that Nomadic Tribe (B) is equivalent to Nomadic Tribe-3 category, although the perception of respondent No.2 is different and does not match with that of petitioner. Whatever it is, it was necessary on the part of the respondent No.2 to consider the issue in depth, apply his mind to the explanation submitted by the petitioner and then pass an order stating the reasons for the conclusion reached in the order. Besides, the issue involved in this petition can have its bearing upon the eligibility of

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petitioner, and therefore, it is all the more reason for respondent No.2 to have stated reasons at the time of passing the impugned order. As that has not happened in the present case, we are of the view that the impugned order cannot stand the scrutiny of law. The petition is allowed, the impugned order dated 02.06.2022 is hereby quashed and set aside. The issue is remanded back to respondent No.2 for its fresh consideration in accordance with law. We permit the petitioner to appear before the Respondent No.2, and they may appear before him on 28th December, 2023 at 11.00 a.m. We also permit the petitioner to produce documents, if any, in support of the explanation given by the petitioner. Fresh decision in accordance with law shall be taken by respondent No.2 within two weeks from the date of appearance of the both or either of the petitioner before him. While considering representation same to be decided without imposing fine as we are imposing fine of Rs.15,000/-. Fine amount be paid to Vidharbha Lady Lawyers Association, Nagpur.

(URMIL A JOSHI-PHALKE, J.) (AVINASH G. GHAROTE, J.)