

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 12534 OF 2024
IN
WRIT PETITION NO. 8350 OF 2023

Mayuri Sharanbasappa Khanapure ...Applicant/
Petitioner

Versus

The State of Maharashtra and Others ...Respondents

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Dr.Uday P.Warunjikar with Mr.Sumit S. Kate for the Applicant/
Petitioner.

Mr.K.S.Thorat, 'B' Panel Counsel for the Respondent -State.

Mr.Sameer Khedekar for Respondent No.3- CET Cell.

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CORAM : NITIN JAMDAR &
M.M. SATHAYE, JJ.

DATE : 05 SEPTEMBER 2024

P.C.:

Heard the learned Counsel for the parties.

2. This interim application is taken out in writ petition which is pending for admission. By order dated 29 July 2024, a group of petitions including the present petition is adjourned to 23 September 2024 noted therein that the legal issue involved in this group of petitions is whether the scrutiny committee has a power of review. The learned AGP had stated that the decision of the Division Bench holding that the committee has no power of review is challenged in

the Hon'ble Supreme Court and is pending. By order dated 29 July 2024, we have continued the earlier ad-interim orders.

3. The interim application is taken out since the Petitioner who was permitted by interim order dated 6 July 2023 to participate in the admission process, now requires further order for this academic year 2024-2025.

4. The order dated 6 July 2023 in the petition is not restricted to a particular academic year. The Petitioner has been permitted to participate in any admission process which will be subject to the outcome of the petition. In light thereof, in fact a separate interim application was not necessary. Respondent No. 3- Common Entrance Test (CET) Cell will accordingly take note of the order dated 6 July 2023 and permit the Petitioner to participate in the next admission process.

5. We, however, reiterate that admission of the Petitioner is subject to the outcome of the petition and will be governed by Section 10 of the Scheduled Castes, Scheduled Tribes, De-Notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 and the law laid down by the Hon'ble Supreme Court in the case of *Chairman and Managing Director, Food Corporation of India & Ors. Versus Jagdish Balaram Bahira & Ors.*¹

¹ 2017 (8) SCC 670

6. The learned Counsel for the Applicant states that today is the last date. Since the CET Cell is represented through an Advocate, the learned Counsel for the CET Cell will convey the order to the Authorities.

7. Interim application is accordingly disposed of.

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)