

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 19362 OF 2024

Jasmin Bhushan Devlekar

...Petitioner

Versus

The State of Maharashtra & Ors.

...Respondents

Mr. Amar Gharte, Advocate for the Petitioner.

Mr. P.P. Kakade, Addl. G.P. a/w Mr. V.M. Mali, AGP for the
Respondent – State.

CORAM : RAVINDRA V. GHUGE

&

ASHWIN D. BHOBE, JJ.

DATE : 17th FEBRUARY, 2025

P.C. :-

1. Leave to add the Adv. Datta Patil College of Law,
Alibaug as Respondent No.4. Addition be carried out forthwith.

2. The Petitioner has secured admission to the State
Common Law Admission Test in the academic year 2024-2025 and
she has already appeared for her first semester examination. The
second semester exam would be conducted some time in April/May,
2025.

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3. She has secured admission for a seat reserved for the OBC Category on the basis of her claim that she belong to the 'Vaishya Wani' OBC Category. A proposal for seeking validation was tendered to the Competent Committee. Since her grandfather has an old certificate of only 'Wani' OBC Category, she moved the Competent Authority for leave to change her certificate. She subsequently received the Wani OBC Category certificate and amendment her proposal.

4. By order dated 14th May, 2023, the proposal seeking validity of Vaishya Wani OBC Category, has been rejected. Subsequently, by an order dated 15th July, 2024, her corrected certificate is also invalidated on the ground of the earlier Vaishya Wani Certificate having been invalidated.

5. We find that the Committee has adopted a pedantic approach. There is no question of *res judicata* being applicable in such a case and the Committee has apparently misdirected itself. When the certificate of Vaishya Wani OBC Category was corrected and replaced with a new certificate of only Wani OBC Category, delivered to the Committee before it delivered the first Judgment

dated 14th May, 2023, the Committee should have considered the said corrected certificate and should have dealt with it on the premise that the Petitioner's claim is for Wani OBC Category.

6. In view of the above, this **Writ Petition is partly allowed**. Both the impugned orders are quashed and set aside and the proposal of the Petitioner, which first suffered rejection on 14th May, 2025, is restored to the file of the Committee since the correction in the certificate has already been carried out on record. The corrected certificate is also on record. The Committee shall deal with the same by following the due procedure laid down in law and deliver an order, as expeditiously as possible and preferably, within a period of 45 days from today, since the learned AGP has taken instructions from the Committee to decide the matter within the said period.

7. In view of the above, since an innocuous prayer has been put fourth, we are issuing a direction to Respondent No.4, without issuing notice, that the admission of the Petitioner shall be protected insofar as the second semester is concerned. Needless to state, she would be allowed to appear for the second semester

examination. Her result would not be declared, until she receives the validity certificate, keeping in view that there are several candidates belonging to the OBC Category, who are ready with the validity certificate for seeking admission.

8. For easy correspondence and to avoid wastage of time, the Petitioner tenders her E-mail address as well as WhatsApp Cell Number, as under :-

E-mail Address – jasmindevlekar@gmail.com.
WhatsApp No.- 09403092111.

The Committee and the Petitioner would enter into correspondence through such E-mail address/WhatsApp Cell Number and the Petitioner would render wholehearted cooperation to the Committee for the expeditious disposal of the proceedings.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)