

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

INTERIM APPLICATION NO.11793 OF 2025

IN

WRIT PETITION NO.6064 OF 2024

Pooja D/o Rajshekhar Khanapure

....Applicant/Petitioner

Versus

The State of Maharashtra and Ors.

....Respondents

Mr. Sushant Yeramwar Jinturkar for the Applicant/Petitioner.

Dr. Ms. Dhruti Kapadia, AGP for Respondent Nos.1 and 2.

CORAM : RAVINDRA V. GHUGE

&

ASHWIN D. BHOBE, JJ.

DATE : 23rd SEPTEMBER, 2025

P.C. :-

1. In compliance with the order dated 19th September, 2025, the Petitioner has filed an undertaking dated 22nd September, 2025. The same is taken on record and marked as 'X-1' for identification.

2. The Petitioner's claim of belonging to the 'Koli Mahadev' Scheduled Tribe category has been invalidated. She has preferred Writ Petition No. 6064 of 2024, before this Court. By this Interim Application, she prays for a stay on the rejection of her admission to the B.A.M.S. course, as per the list dated 8th August, 2025.

3. The learned AGP submits that the Petitioner's father had received a validity certificate, which was subsequently recalled after noticing a fraud.

4. The learned Advocate for the Petitioner submits that an affidavit undertaking will be tendered in this Court, stating that the Petitioner will pay full fees, as if she belongs to the Open category, until her claim is validated by this Court. If her claim is invalidated by this Court, the consequences will follow.

5. The learned AGP refers to the judgment of the Hon'ble Supreme Court in the matter of *Chairman and Managing Director, Food Corporation of India and Ors. v/s. Jagdish Balaram Bahira and Ors.*¹

6. In view of the above and since the Petitioner desires to approach the Kolhapur Bench of this Court, as her father and uncle's matters have been transferred to the Kolhapur Bench, the Registry is directed to initiate appropriate steps for transferring the proceedings to the Kolhapur Bench.

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7. Considering the statement of the Petitioner that she would tender an affidavit undertaking within two weeks from today before the Kolhapur Bench, and a copy of the same will be served on Respondent No.4, we direct that her admission would not be cancelled since she would be paying full fees as are payable by a candidate belonging to the Open category. She may be allowed to attend her classes only after depositing the fees for the semester or the current year, as the case may be.

8. In the event the Petitioner succeeds in acquiring a validity certificate under the order of this Court, the fees paid by her would be adjusted against the fees payable by a candidate from the Scheduled Tribe category and the remaining fees would be either refunded to her or adjusted against her future fees.

9. In view of the above, **this Interim Application is disposed off.**

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)