
(2014) 09 BOM CK 0155
In the Bombay High Court
Case No : Writ Petition No. 7849 of 2014

Gote Rutuja Sunil

APPELLANT

Vs

State of Maharashtra

RESPONDENT

Date of Decision : 17-09-2014

Acts Referred:

Citation : (2015) 4 BomCR 434 : (2014) 6 MhLj 349

Hon'ble Judges : F.M. Reis, J;Anoop V. Mohta, J

Bench : Division Bench

Advocate : J.G. Aradwad, Advocate for the Appellant; S.S. Bhende, AGP,
Advocate for the Respondent

Judgement

Anoop V. Mohta, J.

1. Rule, returnable forthwith. Heard finally by consent of the parties. The Petitioner has challenged the order dated 31-12-2013 passed by the Caste Scrutiny Committee invalidating caste certificate on the ground that as per then existing provisions the Petitioner has failed to prove that she belongs to "Lingayat Wani (OBC)".

2. The learned Counsel appearing for the Petitioner has placed on record the Government Circular dated 4-9-2014 whereby the amendment made to the O.B.C. list in State of Maharashtra and where at serial No. 190 "Lingayat Wani" has been introduced as caste for all the benefits as Other Backward Class (OBC) candidate. Therefore by keeping all points open on the sole ground as it goes to the root of the matter and that support the case of the Petitioner that she belongs to Lingayat Wani and entitled for all privilege and benefits in accordance with law, the impugned order dated 31-12-2013 passed by the Caste Scrutiny Committee is quashed and set aside. The matter is remanded back for reconsideration based upon the Government Circular dated 4-9-2014 referring to Lingayat Wani at serial No. 190 in the list annexed thereto.

3. The Respondents to consider the case of the Petitioner in accordance with law

by giving opportunity to all the concerned. The Petitioner based upon the caste certificate "Wani" pursuing her study since 2012. The Petitioner's admission based upon the caste certificate is protected till final decision by the Scrutiny Committee and four weeks thereafter, if order is adverse to the Petitioner. Writ Petition is allowed. No costs.