



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

WRIT PETITION NO.8804 OF 2018

Kum.Maithili Ramesh Gaikwad and Anr. ... Petitioners

Vs

State of Maharashtra and Ors. ... Respondents

Mr.R.K.Mendadkar for the Petitioners.

Mr.Vikas Mali, AGP for the Respondent State.

**CORAM : S.C. DHARMADHIKARI &
SMT. BHARATI H. DANGRE, JJ.**

WEDNESDAY, 08TH AUGUST, 2018

P.C. :

1 Heard both sides on the point of interim relief.

2 Rule. Respondents waive service.

3 Mandatory order and direction is sought on the ground that the petitioner No.1 is 90% physically handicapped and the petitioner No.2 is her brother. The petitioner No.1 has been admitted in Chetana's Ramprasad Khandelwal Institute of

Management and Research in the academic year 2018-2019 in the first year Master of Business Administration Degree Course, subject to production of caste validity certificate on or before 10th August 2018.

4 The Committee, by its impugned order, invalidated her claim though her aunt Shobha M. Gaikwad (from the paternal side) was granted such certificate of validity on a declaration given by this Court in Writ Petition No.856 of 1998 on 23rd February 1998 and a Special Leave Petition against that petition was dismissed by the Hon'ble Supreme Court. The father of the petitioner No.1-Ramesh Maruti Gaikwad has been issued the certificate of validity. This petition is filed by the petitioner No.1 and her brother through their father. The petitioner No.2 is the real brother of the petitioner No.1, but both have been denied the certificate of validity.

5 *Prima facie*, we find this approach to be unsustainable in law. Unless there were compelling reasons pointing towards established or proven fraud or misrepresentation of facts, the petitioners could not have been denied the certificate of validity.

Their father is certified to be belonging to “Thakar” Scheduled Tribe way back on 10th November 2004. Hence, we grant a mandatory order and direction to the respondent No.2-Committee and it shall, by 9th August 2018, issue the certificate of validity to the petitioner No.1, certifying her as belonging to “Thakar” Scheduled tribe.

6 The petitioner No.1 will suffer grave loss, irreparable harm and injury in the event we do not grant this mandatory order and direction. In addition to her disability, she may loose an opportunity of educating herself further for which she has already been admitted in the first year MBA Degree Course. The overwhelming documentary evidence having been ignored, the above mandatory order and direction is issued.

7 The learned AGP to communicate this order to the Committee forthwith.

SMT. BHARATI H. DANGRE, J.

S.C. DHARMADHIKARI, J.