

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Writ Petition No.1884 of 2011
(Aftab Mobin Ahmed Mirza .vs. Divisional Caste Certificate Verification
Committee and Ors.)

Office Memoranda of appearances, directions and orders.	Notes, of Court's orders and Registrar's orders.	Office Coram, or Registrar's orders.	Court's or Judge's orders
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Coram: D. D. Sinha and
A. P. Bhangale, JJ.

Date : 30/04/2011.

Heard Mr.A.A.Naik, Adv. for the petitioner, Mrs. Bharti Dangre, Additional Government Pleader for respondent no.1 and Mr.H.A.Deshpande, Adv. for respondent no.3.

Counsel for the petitioner has submitted that the petitioner has secured admission in respondent no.3/College for the B.D.S. Course from the reserved category i.e. 'Chhapparband'. It is submitted that, after the petitioner was given admission, the petitioner submitted Caste Certificate along with document in support thereof to the respondent/Caste Scrutiny Committee in the year 2006; however, till this date, the Caste Scrutiny Committee has not taken final decision in this regard and therefore, though

the petitioner was permitted to appear for the B.D.S. Part – II examination, the result of the petitioner was not declared and for want of declaration of result, the petitioner is also unable to pursue his further studies of B.D.S. Part III course. It is, therefore, prayed that directions be given to the Caste Scrutiny Committee to decide the caste claim of the petitioner within a stipulated period and to the University to declare the result of Part-II B.D.S. examination. It is further prayed that if the petitioner is successful, in that event, since the petitioner has already attended the classes for B.D.S. Part-III, hence, permission to appear in the B.D.S.Part-III examination, which is scheduled to take place on 24th May, 2011 may be granted if the petitioner is otherwise eligible.

Counsel for the petitioner has submitted that copy of the petition has already been given to respondent no.2/University.

We have considered the contentions canvassed by the learned Counsel. In the backdrop of the above referred facts, it appears that the petitioner was admitted in the 1st year B.D.S. course from the reserved category. The caste claim of the petitioner is pending with the Caste Scrutiny Committee and therefore, result of the petitioner of B.D.S.

Part-II examination is withheld. Petitioner though permitted to attend the class of B.D.S. Part-III Course; however, examination form of the petitioner for the said course, which is scheduled to take place from 24th May, 2011 onwards, was not accepted for the same reason. It is in these circumstances we dispose of the petition by giving the following directions :

The Caste Scrutiny Committee is directed to decide the caste claim of the petitioner within a period of six months from the date of communication of this order. The University/respondent no.2 is directed to declare the result of the petitioner for B.D.S. Part-II examination provisionally. If the petitioner is successful and otherwise eligible as well as qualified, the form of the petitioner for B.D.S. Part - III examination may be accepted provisionally. It is made clear that declaration of result of Part-II examination as well as permission to accept form of the petitioner for Part-III examination shall not create any equity in favour of the petitioner and shall be subject to decision of the Caste Scrutiny Committee.

With these observations and directions, the petition is disposed of.

Copy of this order duly
authenticated be supplied to the learned
Additional Government Pleader.

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