

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 8200 OF 2015

PAWAN MADHAVRAO KUREWAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. R.V. Gore
AGP for Respondents: Mr. D.B Bhange
Advocate for Respondent 2 : Mr. P.S. Patil

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CORAM : S V GANGAPURWALA & V.K. JADHAV, JJ.
Dated: August 10, 2015

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PER COURT :-

1. Mr. Gore, learned counsel submits that, the petitioner has filed an application seeking caste certificate as belonging to 'Mannervarlu' Scheduled Tribe. Said application has been filed by him in the year 2014. Notice was issued. Pursuant to the notice, petitioner filed documents, however, subsequently no further progress has been made. Learned counsel submits that, the Sub Divisional Officer has to decide the said proceedings within 60 days.

2. Petitioner has been admitted in the first year of B.Tech Course with respondent No.4 from the reserved category. However, earlier tribe certificate has set aside on the ground of jurisdiction and petitioner is given liberty to apply to the competent authority. Application is still pending.

3. Learned AGP states that, in case, said application is pending, then the authority would decide the same on its own

merits.

4. In light of that, if the petitioner is otherwise eligible, shall not be denied admission only on the ground that tribe certificate is not yet obtained however, declaration of the result and admission to the second year would be subject to the decision with regard to the issuance of tribe certificate and further orders if any passed. In the result, we pass following order.

ORDER

I. In case, the application given by the petitioner seeking Tribe Certificate as belonging to 'Mannervarlu' Scheduled Tribe is pending with the respondent No.3, then the respondent No.3 shall decide the same on its own merits in accordance with law and rules, expeditiously and preferably within two months.

II. The petitioner shall not be refrained from prosecuting his further studies only on the ground that validation proceedings are pending. The Respondents may take further steps in tune with the Judgment delivered by the Committee.

5. Writ petition accordingly disposed of. No costs.

(V.K. JADHAV, J.)

(S V GANGAPURWALA, J.)

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aaa/-