

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

WRIT PETITION NO.2225/2016

Shriniwas s/o Dhondiba Waghmode

Age 19 years, Occu-Student

R/o Koliwada, Mushidapur

Tq. Lohara, Dist.Osmanabad.

... PETITIONER

Versus

- 1] The State of Maharashtra
Through its Secretary
Medical Education and Drugs Department
Mantralaya, Mumbai-32.

(Copy to be served on Government Pleader
High Court of Judicature of Bombay
Bench at Aurangabad)

- 2] The Scheduled Tribe Certificate Scrutiny
Committee, Aurangabad
Through its Deputy Director [R]

- 3] The Dean/Principal,
Smt.Kashibai Nawale Medical College
and Hospital, Survey No.49/1
Narhe (Ambegaon Bk), Near Mumbai
Pune-Bypass, Pune 411 041.

- 4] The Registrar
Maharashtra University of Health Sciences
Nashik, Dindori Road, Nashik
Tq. & Dist.Nashik. .. RESPONDENTS

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Mr.P.V.Jadhavar, Advocate for petitioner
Mr.P.S.Patil, AGP for respondents No.1 and 2.
Respondent No.3 is served
Mr.S.B.Bhosale, Advocate for respondent no.4.

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WRIT PETITION NO.2226/2016

Vedkumar s/o Hanmanlu Ghantaji
Age 18 years, Occu-Student
R/o Arjapur, Tq. Biloli
Dist.Nanded. .. PETITIONER

Versus

- 1] The State of Maharashtra
Through its Secretary
Medical Education and Drugs Department
Mantralaya, Mumbai-32.

(Copy to be served on Government Pleader
High Court of Judicature of Bombay
Bench at Aurangabad)
- 2] The Scheduled Tribe Certificate Scrutiny

Committee, Aurangabad
Through its Deputy Director [R]

3] The Dean/Principal,
Topiwala National Medical College
and Nayar Hospital, Campus
Mumbai 400008.

4] The Registrar
Maharashtra University of Health Sciences
Nashik, Dindori Road, Nashik
Tq. & Dist.Nashik.

.. RESPONDENTS

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Mr.P.V.Jadhavar, Advocate for petitioner

Mr.V.M.Kagne, AGP for respondents No.1 and 2.

Mr.S.B.Bhosale, Advocate for respondent no.4.

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WRIT PETITION NO.3513/2016

Anusha Balaji Govindwad
Age 19 years, Occu-Student
U/g of her brother namely
Akhilesh Balaji Govindwad
Age 24 years, Occ-Student
R/o Bhokar, Ta. Bhokar
Dist.Nanded.

.. PETITIONER

Versus

1] The State of Maharashtra

Through its Secretary
Medical Education and Drugs Department
Mantralaya, Mumbai-32.

(Copy to be served on Government Pleader
High Court of Judicature of Bombay
Bench at Aurangabad)

2] The Scheduled Tribe Certificate Scrutiny
Committee, Aurangabad
Through its Deputy Director [R]

3] The Dean/Principal,
Government Ayurvedik College
Nanded.

4] The Registrar
Maharashtra University of Health Sciences
Nashik, Dindori Road, Nashik
Tq. & Dist.Nashik.

.. RESPONDENTS

...

Mr.A.V.Indrale Patil,Advocate for petitioner

Mr.V.H.Dighe, AGP for respondents No.1 and 2.

Mr.K.C.Sant, Advocate for respondent no.4.

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WRIT PETITION NO.3514/2016

Shital D/o Ravi Pakalwad
Age 19 years, Occu-Education
R/o Islapur, Tq. Kinwat

Dist.Nanded.

.. PETITIONER

Versus

- 1] The State of Maharashtra
Through its Secretary
Medical Education and Drugs Department
Mantralaya, Mumbai.

(Copy to be served on Government Pleader
High Court of Judicature of Bombay
Bench at Aurangabad)

- 2] The Dean,
Government Dental College,
Aurangabad, Dist.Aurangabad

- 3] The Registrar
Maharashtra University of Health Sciences
Nashik, Dindori Road, Nashik
Tq. & Dist.Nashik.

- 4] The Scheduled Tribe Caste Certificate
Verification Committee, Aurangabad
Through its Deputy Director [R]
Aurangabad.

.. RESPONDENTS

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Mr.S.M.Vibhute,Advocate for petitioner

Mr.A.G.Magare, AGP for respondents No.1 and 2 & 4

Mr.C.A.Jadhav,Advocate for Respondent No.3

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WRIT PETITION NO.3516/2016

Shweta d/o Dattaram Mirzapure
Age 20 years, Occu-Student
R/o Somesh Colony, Kala Mandir
Nanded Tq. & Dist.Nanded.

..PETITIONER

Versus

- 1] The State of Maharashtra
Through its Secretary
Medical Education and Drugs Department
Mantralaya, Mumbai-32.

(Copy to be served on Government Pleader
High Court of Judicature of Bombay
Bench at Aurangabad)

- 2] The Scheduled Tribe Certificate Scrutiny
Committee, Aurangabad
Through its Deputy Director [R]

- 3] The Dean/Principal,
Nayar Hospital Dental College
Municipal Corporation of Greater
Mumbai 400008.

- 4] The Registrar
Maharashtra University of Health Sciences
Nashik, Dindori Road, Nashik
Tq. & Dist.Nashik.

.. RESPONDENTS

...

Mr.P.V.Jadhavar, Advocate for petitioner

Mr.P.S.Patil, AGP for respondents No.1 and 2.

Mr.S.B.Bhosale, Advocate for respondent no.4.

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WRIT PETITION NO.3517/2016

Shrawani d/o Vithal Gonewad

Under Guardian of father

Vithal s/o Nagnath Gonewad

Age 46 years, Occ-Service

R/o Wadi (Bk), Tq.& Dist.Nanded.

.. PETITIONER

Versus

- 1] The State of Maharashtra
Through its Secretary
Medical Education and Drugs Department
Mantralaya, Mumbai-32.

(Copy to be served on Government Pleader
High Court of Judicature of Bombay
Bench at Aurangabad)

- 2] The Scheduled Tribe Certificate Scrutiny
Committee, Aurangabad
Through its Deputy Director [R]

- 3] The Dean/Principal,
Government Medical College
Latur.

4] The Registrar

Maharashtra University of Health Sciences

Nashik, Dindori Road, Nashik

Tq. & Dist.Nashik.

.. RESPONDENTS

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Mr.P.V.Jadhavar, Advocate for petitioner

Mr.V.M.Kagne, AGP for respondents No.1 and 2.

Mr.K.M.Suryawanshi, Advocate for respondent no.4.

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CORAM : A. V. NIRGUDE &

V. L. ACHLIYA, JJ.

DATED : 29TH MARCH, 2016

PER COURT :

Rule. Rule made returnable forthwith. With consent of parties, taken up for final hearing.

2] As the grievance raised in these group of petitions is similar, the petitions are taken up for disposal by common judgment and order.

3] The tribe/caste claims of the petitioners are pending consideration with the committee. The petitioners have been given admission to M.B.B.S./B.D.S./B.A.M.S. Course in respondent-colleges. The learned counsel for the petitioners submit that the respondent college has directed the petitioners to produce validity certificate and unless the same is produced, the petitioners would not get eligibility and will not be allowed to appear for examination. The

learned counsel for the committee submits that because of the large pendency of matters, it would take some time to decide the proposals.

4] We have heard learned counsel for the respondents who submit that in absence of validity being produced, the petitioners cannot be allowed to prosecute their further studies.

5] We have considered the submissions canvassed by the learned counsels for the respective parties.

6] To get the proceedings decided within stipulated period is not in the hands of litigant. The learned counsel for the committee states that it would take some time to decide the proceedings. In the light of above, we pass following order :

I] The petitioners shall appear before the committee on 13th June, 2016.

II] The respondent committee shall make efforts to dispose of the claims of the petitioners on or before 31st December, 2016. The petitioners shall extend full cooperation to the committee in disposal of their claims.

III] Till the validation proceedings in respect of tribe claims of the petitioners is decided, the petitioner would not be refrained from prosecuting their studies and appearing for examinations. Further steps can be taken in tune with the judgment of the committee in the validation proceedings.

IV] Till the validation proceedings are decided, the respondents shall not insist the petitioners for payment of fees as applicable to the candidates from open category, however, the same shall be subject to the decision of the committee in the validation proceedings.

V] However, in case petitioners do not appear before the committee on the stipulated date and failed to cooperate with committee in expeditious disposal of their respective claims the reliefs granted in terms of clause (iii) and (iv) shall stand recalled and vacated.

Rule is accordingly made absolute in above terms.
Writ Petitions are accordingly disposed of in above terms.
No costs. Parties to act on authenticate copy.

(V. L. ACHLIYA, J.)

(A. V. NIRGUDE, J.)

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