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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.6723/2016

Shrinath Nabhaji Kondalwade,
age 21 yrs., occu.education,
r/o at Junni Post Kharkheli.
Tq.Dharmabad Dist.Nanded.

...Petitioner..

Versus

- 1] The State of Maharashtra,
through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai-32.
- 2] The Divisional Scheduled Tribe Caste
Certificate Scrutiny Committee,
Aurangabad Division, Aurangabad.
Dist.Aurangabad.
- 3] The Principal,
Mahatma Gandhi Mission's
Polytechnic College, N-6, CIDCO,
Aurangabad. Tq. & Dist.Aurangabad.
...Respondents...

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Shri Shivkumar K. Mathpati, Advocate for petitioner.
Shri M.B. Bharaswadkar, AGP for respondent nos.1 & 2.
Shri V.S. Kadam, Advocate for respondent no.3.

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**CORAM: R.M. BORDE &
K.L. WADANE, JJ.**

DATE: 08.07.2016

ORDER :

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1] The petitioner claims to belong to Koli Mahadev scheduled tribe and has been admitted to polytechnic course in a college run by the respondent no.3 as against a seat reserved for scheduled tribe category. The petitioner has already completed Second and Third years polytechnic course, however, as a result of his failure to submit validation certificate, the college has refused to issue the Leaving Certificate and original mark-sheets of the Second and Third years polytechnic course.

2] This petition can be disposed of by issuing directions to the respondent no.2 - committee to decide the validation claim in respect of the certificate issued to the petitioner and pending with the scrutiny committee as expeditiously as possible and preferably within a period of six months from today and it is accordingly directed.

3] The petitioner undertakes to deposit the tuition fees and other charges with the respondent no.3 - college. On deposit of the amount, the college shall issue forthwith the original Leaving Certificate and mark-sheets of the Second and Third years polytechnic examinations and other original documents as would be

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required by the petitioner. In the event the petitioner is found eligible and entitled to receive reimbursement of the fees as per the policy prescribed by the State Government, the respondent no.3 - college shall refund the equivalent fees to the petitioner.

4] With the directions as above, the writ petition stands disposed of. No order as to costs.

5] Authenticated copy of the order is allowed to the parties. The parties to act upon authenticated copy of the order.

(K.L. WADANE, J.)

(R.M. BORDE, J.)