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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.7254/2016

Shubham s/o Subhash Jamadar,
age 19 yrs., occu.student,
r/o D.C.C.Bank Colony, Umarga,
Tq.Imarga Dist.Osmanabad.
...Petitioner..

Versus

- 1] The State of Maharashtra,
through its Secretary,
Department of Tribal Development,
Mantralaya, Mumbai.
 - 2] The Scheduled Tribe Caste Scrutiny
Committee, Aurangabad Division,
Aurangabad.
 - 3] The Principal,
Cusrow Wadia Institute of Technology,
Pune – 411 001.
- ...Respondents...

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Shri A.S. Bayas, Advocate for petitioner.
Shri V.M. Kagne, AGP for respondent nos.1 & 2.
Shri Avinash S. Deshmukh, Advocate for respondent no.3.

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

DATE: 21.07.2016

ORAL JUDGMENT (Per Borde, J.):

- 1] Heard learned counsel for the parties. Rule.
Rule made returnable forthwith and with the consent of

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learned counsel for the parties, the petition is taken for final hearing at the stage of admission.

2] The petitioner claims to belong to Koli Mahadev – scheduled tribe. The tribe certificate received by the petitioner from the competent authority is referred for verification to the scrutiny committee in the year 2013, however, the proposal for verification of the tribe certificate is stated to be pending.

3] The petitioner was admitted to the Diploma in Engineering course with the respondent no.3 – institute and now has completed the diploma course and is desirous of seeking admission to engineering degree course. As a result of failure of the petitioner to produce tribe validation certificate, the respondent no.3 – college has refused to handover the original documents and refused to declare the result of the final year diploma course.

4] The petitioner contends that his father is possessed of tribe validation certificate issued by the scrutiny committee and in all probabilities, the tribe validation claim of the petitioner is likely to succeed.

5] The petitioner informs that his father is suffering from cancer and is in need of finances for extending him

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treatment and as such does not have financial ability to pay the requisite fees to the college.

6] In the facts and circumstances of the present case, we direct the respondent no.2 – committee to take decision on the tribe certificate verification claim of the petitioner pending with it as expeditiously as possible and preferably within a period of two months from today. The respondent no.02 – committee, while dealing with the matter, shall have due regard to the decision of Division Bench of this Court in the matter of *Apoorva d/o Vinay Nichale v. Divisional Caste Certificate Scrutiny Committee No.1, Nagpur & others* reported at **2010 (6) Mh.L.J., 401.**

7] On receipt of the tribe validation certificate, the petitioner shall produce the same to the respondent no.3 – college. The college will in turn claim the reimbursement of fees from the concerned Department of the State Government. The State Government shall reimburse the fees of the petitioner within a period of six months from the date of submission of the information / proposal by the college, on fulfillment of the requirement of production of the tribe validation

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certificate by the petitioner directly to the college. The respondent no.3 – college shall declare the result of the petitioner of diploma in engineering course and shall also handover the original documents as required by the petitioner for facilitating him to secure admission to engineering degree course.

8] With the directions as above, writ petition is disposed of. Rule is made absolute in above terms. There shall be no order as to costs.

9] Authenticated copy of the judgment is allowed to the parties. The parties to act upon authenticated copy of the judgment.

(K.L. WADANE, J.)

(R.M. BORDE, J.)