

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

WRIT PETITION NO. 9302 OF 2016

Harshal s/o Ananda Nikumbhe

.. PETITIONER

VERSUS

The State of Maharashtra
& others

.. RESPONDENTS

Mr. A.H. Koralkar, advocate for petitioner.
Mr. S.S. Dande, AGP for the State.
Mr. K.C. Sant, advocate for respondent no. 3.

=====

**CORAM : R.M. BORDE &
K.K. SONAWANE, JJ.
DATE : 5th OCTOBER, 2016.**

PER COURT :

1. Petitioner claims to be belonging to Thakur Scheduled Tribe and is in receipt of certificate certifying accordingly issued by the competent authority. On the strength of the caste certificate, petitioner secured admission to medical course as against the seat reserved for Thakur Scheduled Tribe. Caste certificate issued in favour of petitioner was referred to the Scrutiny Committee for verification and, the Scrutiny Committee, on consideration of all the relevant aspects and after extending an opportunity of hearing to petitioner, has directed invalidation of the caste certificate. The order passed by the Scrutiny Committee is subjected to challenge in this petition.

2. We have perused the order passed by the Scrutiny Committee. We do not find any inconsistency or irregularity in the order passed by the Scrutiny Committee. Petitioner failed to prove his affinity to the Thakur Scheduled Tribe as well the documentary evidence presented by petitioner

also falls short. During the intervening period, petitioner has completed MBBS degree course and is declared successful in the final year MBBS examination. As a result of failure of petitioner to submit validation certificate, the University has not yet issued degree certificate as well as internship completion certificate. Petitioner has tendered undertaking to the effect that he will not claim benefit on the basis of caste certificate issued in his favour in the matter of securing employment as well as for pursuing further studies. Petitioner has given up his claim as belonging to Thakur Scheduled Tribe. The undertaking is taken on record and marked 'X' for identification. Learned counsel for petitioner orally states on instructions that hence forth petitioner will not claim any benefit as a member to Scheduled Tribe category. Since the petitioner has completed MBBS degree course, respondent no. 3 University is directed to issue degree certificate as well as internship completion certificate in favour of petitioner forthwith. Petitioner states that he has been admitted to Post Graduation medical course as a candidate belonging to open category. He would be entitled to pursue his studies as an open category candidate. Respondent no. 4 - Dean, Topiwala National Medical College, Mumbai, is directed to return original documents as required by petitioner. The order passed by the Scrutiny Committee on 02.07.2016 is confirmed.

3. With the directions as above, writ petition stands disposed of.

(K. K. SONAWANE)
JUDGE

dyb

(R. M. BORDE)
JUDGE