

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

955 WRIT PETITION NO. 7524 OF 2016

MOHAN CHANDRAKANT SHETTIWAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr. Vibhute Sunil M.
AGP for Respondents 1 and 3: Mr. V. M.Kagne
Advocate for Respondent No.2: Mr. G. K. Thigale (Naik)

**CORAM : S. V. GANGAPURWALA &
K. L. WADANE, JJ.**

DATE : 23rd February, 2017

ORDER:

1. Mr. Vibhute, the learned counsel for the petitioner submits that the claim of the petitioner was referred to the Committee. The same was invalidated on the ground that spelling of the tribe was incorrectly mentioned in the tribe certificate. The learned counsel submits now this Court has directed to issue correct tribe certificate and the same be referred to the Committee. The learned counsel submits that the petitioner is studying final year B. E. and would be appearing for final exam.

2. Mr. Thigale, the learned counsel appearing for respondent No.2 Institution submits that in case tribe claim of the petitioner is invalidated, the petitioner will have to pay full fees.

3. Equity can be adjusted by passing following order:

O R D E R

- (a) The Committee, on receipt of the proposal, shall decide the validation proceedings in respect of tribe claim of the petitioner, expeditiously, preferably within 9 months from the date of receipt of proposal.
- (b) Respondent No.2 shall not refrain the petitioner from appearing for B. E. Final year exam and shall not withhold the documents of the petitioner only on the ground that validation proceedings are pending.
- (c) The petitioner shall give undertaking before appearing for the examination that in case his tribe claim is invalidated, the petitioner shall pay full fees as applicable to the open category candidates.
- (d) Respondent No.2 may represent with the Government with regard to the reimbursement of fees referring to Circular dated 09.03.2016.
- (e) In case the petitioner is issued with the degree,

certificate, the petitioner shall not seek benefit of reserved category, till the tribe claim of the petitioner is decided.

4. With these observations, the writ petition is disposed of. No costs.

(K. L. WADANE, J.)

(S. V. GANGAPURWALA, J.)

JPC