

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

WRIT PETITION NO. 9558 OF 2017

**AISHWARYA RAJANNA TUMMOD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

**...
Advocate for Petitioner : Vibhute Sunil M.
AGP for Respondents: Mr.S.G.Karlekar**

**...
CORAM : S.C.DHARMADHIKARI &
MANGESH S. PATIL,JJ.**

DATE : 26/07/2017

PER COURT :-

The petitioner has completed her B.Sc. [Agriculture] Degree Course from the 4th respondent-college, which is affiliated to the Marathwada Krushi Vidyapith.

2] Since petitioner was admitted against a reserved seat, her certificate styled as Tribe Certificate was forwarded to the committee for verification and scrutiny. The 5th respondent could not complete the scrutiny in time. In the meanwhile, petitioner completed her final year, appeared for the examination. The results have been declared and she is now holding a degree known as Bachelor of Science (Agricultural). However, the mark memo has not been released and other documents as listed in paras 5 and 6 of the paper book. Now

the petitioner desires to take admission for further studies and complete her Master's Degree in Agricultural Science. The process for filling up the application form is going on. The Tribe Certificate has yet not been validated. The petitioner earlier complained that the tribe certificate was issued with a wrong spelling but that aspect has been taken care of by order passed by this Court. Now the tribe certificate has been forwarded to the competent Scrutiny committee. Since the petitioner has no control over the proceedings of the committee and she is not to be blamed for the delay, we direct that the petitioner be admitted to the M.Sc.(Agri) course if otherwise eligible, allowed to attend the classes, appear for examination and the results of the same shall also be declared. Even her mark-memo and other related documents as listed in paras 5 and 6 in the petition be released. The Degree Certificate should also be released. However, the steps as directed above are subject to the final orders of the scrutiny committee. The petitioner shall not claim any equities in that behalf. The Writ Petition is disposed of.

3] We would expect that the third respondent-University and equally the Maharashtra Council of Agricultural Education and Research, Pune should protect the interest of all similarly situated candidates belonging to reserved categories and for whom there is an insistence of providing a Caste/Tribe validity certificate. If their

claims are also pending with the competent scrutiny committees, and they are not at fault, then we would expect the Government and the authorities to take a reasonable stand on obtaining suitable undertakings from each of the students, so that their appearances and clearing of the final examination, their degrees shall abide by the orders of the scrutiny committee. They can undertake further studies. We do not think that a unreasonable, unfair and unjust stand detrimental to the interests of the backward category students would be adopted. Let all authorities cooperate in that regard. A copy of this order be provided to Shri Karlekar, A.G.P. so that he takes up the issue with the concerned competent authority.

(MANGESH S. PATIL,J.)

(S.C.DHARMADHIKARI,J.)

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