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wp3815.2018

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

WRIT PETITION NO. 3815 OF 2018

IRFHANALI GULABNABI SAIYAD

... PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

... RESPONDENTS

Mr. A.S. Patil h/f Mr. U.S. Patil, Advocate for the
petitioner

Mr. A.S. Shinde, AGP for the respondent/state

**CORAM : PRASANNA B. VARALE &
S.M.GAVHANE, JJ.**

DATED : 28.06.2018

P.C. :-

Heard. Mr. A.S. Patil h/f Mr. U.S. Patil,
learned counsel appearing for the petitioner.

2. The petitioner is before this Court with a
prayer of issuing directions to respondent No.2
Yashwantrao Chavan Maharashtra Open University, Nashik to
issue passing certificate and degree certificate of B.Sc.
MLT course for the examination held in May, 2013. On
hearing the submissions of learned counsel appearing for
the petitioner as well as on going through the material

placed on record, it clearly reveals that the petitioner appeared for B.Sc. Medical Laboratory Technology examination conducted by Yashwantrao Chavan Maharashtra Open University, Nashik in year 2013 and statement of marks is issued to the petitioner by University. Copy of the said statement is at page No.10 of the petition. As per the said statement the petitioner is declared as a pass student. The learned counsel appearing for the petitioner submitted that the petitioner, time and again approached the respondent authorities and more particularly the University authorities for grant of passing certificate but they did not pay heed to the request. As such the petitioner was unable to receive either passing certificate and/or the degree certificate. It is submitted by learned counsel that the petitioner is suffering loss in his academic career and also the non availability of this certificates is causing difficulty for the petitioner to avail service or job.

3. The learned counsel appearing for the petitioner was put a specific query. The learned counsel appearing for the petitioner fairly submitted that the request made by the petitioner to the authorities were oral requests and the petitioner has not filed any written representation to the respondent authorities. The learned

counsel submitted that the petitioner was not well conversant with the legal proceedings as such failed to submit any written representation to the respondent authority.

4. The learned counsel appearing for the petitioner makes a statement before us that the petitioner be permitted to approach the respondent authorities with the prayer, namely, issuing passing certificate, degree certificate, by way of written representation of applications. The learned counsel appearing for the petitioner then submits that the petitioner would submit written representation to the authorities and more particularly to respondent No.2 and 3 within two weeks from today. He further prays that the respondent authorities be directed to decide the representation if so made by the petitioner within period of two weeks.

5. Normally we do not allow such a prayer on the backdrop fact that it was the fault of the petitioner in not approaching the authorities by written representations but considering the fact that there are certain documents placed on record in support of claim of petitioner and petitioner appeared for the examination and the statement of marks is also issued to the

petitioner showing the result in the examination and declaring him as pass, we disposed of the petition with directions to the petitioner that he will file written representation within two weeks and if representation is submitted to the respondent authorities and more particularly respondent No.2 and 3, the respondent authority to decide the representation on its own merits as expeditiously as possible.

[S.M.GAVHANE, J.]

[PRASANNA B. VARALE, J.]