

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

WRIT PETITION NO.146 OF 2015

Pooja d/o. Baburao Sudewad,
Age : 19 years, Occ. Education,
r/o. Mendka, Tq. Mudkhd,
Dist. Nanded

..Petitioner

Vs.

The State of Maharashtra,
Through its Secretary,
Meducal Education and Drugs
Department, Mantralaya, Mumbai
and others

..Respondents

Mr. S.M.Vibhute, Advocate for petitioner
Mr. A.S.Shinde, AGP for respondent no.1
Mr. K.C.Sant, Advocate for respondent no.3
Mr. A.B.Tele, Advocate for respondent no.4

**CORAM : SUNIL P. DESHMUKH
AND**

R.G. AVACHAT, JJ.

DATE : MARCH 13, 2019

ORAL JUDGMENT (PER SUNIL P. DESHMUKH, J.) :

Heard learned Counsel for the parties.

2. At the outset, learned counsel for petitioner,
submits that the petitioner in this petition is

similarly placed as the petitioners in Writ Petition No.2584 of 2019 and companion Writ Petitions. He submits that in similar circumstances as involved in present petition, said group of Writ Petitions was disposed of by a Division Bench of this Court under order dated 22-02-2019, directing declaration of result as well as directing the Scrutiny Committee to decide tribe claim of the petitioners therein, expeditiously

3. Learned Counsel submits that present petitioner belongs to "*Mannervarlu*" schedule tribe. A validity certificate has been issued to real brother of the petitioner namely, Gajanan. Petitioner had been issued tribe certificate on 21-06-2013 by the Competent Authority. However, in the case of present petitioner, the tribe claim was not considered by the Scrutiny Committee since there was a spelling mistake in referring to tribe name. The petitioner was required to obtain another certificate from the Competent Authority bearing correctly spelt tribe

name. The petitioner has received the same and is in the process of verification before the Committee. In the interregnum, learned Counsel submits that the petitioner had approached this Court since respondent No.3 – University had returned registration and eligibility proposal on 12-12-2014 for want of tribe validity certificate. This Court had, by order dated 08-01-2015, protected interest of the petitioner directing not to take adverse action against him during pendency of the validation proceedings. The Court also directed the respondents to accept examination form of the petitioner and not to refuse it only on the ground of pendency of validation certificate. It is submitted that the petitioner has undergone the course of B.A.M.S. and as a matter of fact, result of last examination has also come out. The petitioner has been issued mark sheet, however, withholding declaration of the result. He submits that this situation is adverse to the petitioner as for completion of entire B.A.M.S. course, internship

is necessary and unless result is declared, it would not be possible for the petitioner to undergo internship for completion of degree course.

4. Learned Counsel further submits that in similar situation, the group of Writ Petitions referred to above, has been decided, directing respondent no.3 – University, not to withhold declaration of result and permit the petitioners therein to prosecute their studies or internship, as the case may be, and not to take any adverse action on the ground that claims of the petitioners are pending before Scrutiny Committee. The petitioners therein have been directed to submit an undertaking to this Court within two weeks, that such declaration of result and further prosecution of the academic course by the petitioners is subject to the decision of the Scrutiny Committee. The petitioners were directed to submit copies of such undertaking to the respondent/University as well as the respondent – College.

5. The above position is not disputable. In the circumstances, we deem it appropriate to treat the present petition accordingly.

6. We, therefore, direct the respondent – Scheduled Tribe Certificate Scrutiny Committee to decide the claim of the petitioner expeditiously and within a period of three months from the date of receipt of writ of this order. We also direct the respondents – University and College to declare result of the petitioner and permit her to prosecute further internship and not to take any adverse action on the ground that her claim is pending before Scrutiny Committee.

7. The petitioner shall file an undertaking in this Court within four weeks that declaration of result and prosecution of course as aforesaid by her, is subject to the decision of the Scrutiny Committee and that declaration of result would not be used for any other purpose. Copies of undertaking be served on the respondents – University and College.

8. We further make it clear that it would be open for the respondent – University and/or the respondent – College to take appropriate decision after decision on the claim of the petitioner by the Scrutiny Committee.

9. With the afore-said observations, the Writ Petition is disposed of.

[R.G. AVACHAT, J.]

[SUNIL P. DESHMUKH, J.]

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