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

WRIT PETITION NO.558 OF 2019

Rupali d/o Vitthalrao Thakur,
Age: 29 years, Occu: Student,
R/o. Shrikrishnanagar, Pisadevi Road,
Aurangabad, Tq. & Dist. Aurangabad

..PETITIONER

VERSUS

1. The State of Maharashtra,
Department of Tribal Development,
Mantralaya, Mumbai-32,
Through its Secretary
2. The Scheduled Tribe Certificate
Scrutiny Committee,
Aurangabad Division, Aurangabad,
Through its Member Secretary
3. Maharashtra University of Health Science,
Dindori Road, Mhasrul,
Nashik-422004,
Through its Registrar
4. Chhatrapati Shahu Maharaj Shikshan
Sanstha's,
Ayurved Mahavidyalaya,
Kanchanwadi, Paithan Road,
Aurangabad - 431011,
Tq. & Dist. Aurangabad,
Through its Principal

..RESPONDENTS

Mr S. C. Yeramwar, Advocate for petitioner;
Mr A. R. Kale, A.G.P. for respondent Nos.1 and 2;
Mr J. R. Patil, Advocate for respondent No.3;
Mr P. B. Salunke, Advocate holding for Mr S. B. Kakde, Advocate for
petitioner

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

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DATE : 5th March, 2019**ORAL ORDER:**

Heard learned Counsel appearing on behalf of the petitioner, learned Asstt. Govt. Pleader appearing for respondent Nos.1 and 2, Mr Patil, learned Counsel for respondent No.3 and Mr Salunke, learned Counsel for respondent No.4.

2. This is second round of litigation, wherein the petitioner has approached this Court. While the petitioner was prosecuting her studies in XIIth standard in R. G. Bagadiya Art, S. B. Lakhotia Commerce & R. Bezonji Science College, Jalna, her claim was forwarded to the Scrutiny Committee for validation through the Principal of College. The document to that effect is placed at Exh.'B'. After competing XIIth standard, the petitioner was admitted to B.A.M.S. course in respondent No.4 - College. As the petitioner was apprehending an adverse action of cancellation of her admission on the ground of pendency of the claim before the Committee, she approached this Court by filing Writ Petition No.2489 of 2010. By an order dated 15th June, 2010, the Division Bench of this Court directed the Scrutiny Committee to decide the claim of the petitioner within six months from 29th June, 2010 i.e. from the date on which the petitioner was permitted to appear before the Committee. The order of the Division Bench is placed on record at Exh.'J'. Perusal of the said order further shows that the Division Bench of this Court, in clear and unambiguous words stated

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that since the petitioner cannot be faulted for the delay caused by the Committee, which has arisen on account of the pending caste claim and the respondents not to cancel the admission of the petitioner and to permit her to prosecute B.A.M.S. course.

3. In spite of the directions of this Court to decide the claim within six months from 29th June, 2010, even after nine years, the claim is still pending before the Committee and the petitioner is required to rush to this Court seeking protection against an adverse action sought to be initiated in view of letter dated 13th December, 2018, issued by the Head of the Department, Student's Cell (Academic) of the University to the Principal of College. It is stated in the communication that the petitioner's internship completion certificate (ICC) will not be issued as her eligibility is pending (Court case).

4. In identical circumstances, this Court has allowed certain petitions. Copies of the orders dated 15th February, 2019 and 21st February, 2019, passed in Writ Petition No.1892 of 2019 are placed before us and same are taken on record and marked 'X' for identification.

5. We see no reason to take a different view in this matter. Accordingly, the petition is disposed of with directions to respondent No.3 - University to issue internship completion certificate and degree certificate

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within one week from today, without insisting for submission of the caste validity certificate. Respondent No.2 - Committee is directed to decide the claim for scrutiny, as expeditiously as possible and not later than twelve weeks from today.

6. We further make it clear that though we have allowed the petition so as to protect academic interest of the petitioner, who is desirous to seek admission for the Post Graduate Course after completing her B.A.M.S. Course, in case the petitioner is submitting claim for the Post Graduate Course, she should submit an undertaking to the authorities i.e. University of Health Sciences and with respective institute, wherein she would be admitted, that her admission in the course would be subject to the final outcome of her claim, which is pending before the Committee for validation. Respondent No.4 - College to supply the documents to the petitioner by obtaining undertaking from her that supply of documents is subject to the outcome of the decision of the Scrutiny Committee. Such undertaking be filed within a period of one week in respondent No.4 - College.

Registry to issue authenticated copy of the order to the Counsel for respective parties.

(S. M. GAVHANE, J.)

(PRASANNA B. VARALE, J.)

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