

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

WRIT PETITION NO.967 OF 2019

**SWATI RAJU AKULWAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr.C.R. Thorat, Advocate for the petitioner.
Mr.V.S. Badakh, AGP for respondent/State.

**CORAM : PRASANNA B. VARALE &
S.M.GAVHANE, JJ.
DATED : 23.01.2019**

P.C. :-

1. Heard learned Counsel for the petitioner. The petitioner is a student, who is prosecuting her studies in Engineering course. Number of such petitions came up before this Court and disposed of with directions by this Court, wherein an issue of non-decision by the Scrutiny Committee is involved and for non-decision of the Committee, the petitioner-students who are prosecuting their studies in various courses were subjected to threat

to their academic career.

2. The petitioner after completing her 12th standard examination was admitted to respondent No.4 – Engineering college. As the petitioner was initially prosecuting her studies in the Government Polytechnic College at Nanded, the Principal of Government Polytechnic College forwarded claim to the Committee for validation. Respondent No.4 – Principal of the College on 02.07.2018 informed the Scrutiny Committee i.e. respondent No.3 that the petitioner has forwarded her claim to respondent No.4 with a request to forward the same to the committee for validation and issuance of certificate. Respondent No.4 thus requested the Committee to accept the claim and to take appropriate action. A copy of on-line application submitted by the petitioner is also placed on record at Exh. "C". The petitioner requested the Scrutiny Committee by way of representation dated 31.08.2018 to issue validity certificate expeditiously informing the Committee that failure to

submit the validity certificate would lead to cancellation of admission in the Engineering course. Unfortunately, the apprehension of the petitioner came true on receipt of communication dated 07.01.2019 forwarded through respondent No. 4 – Principal. Learned Counsel Mr.Thorat, appearing for the petitioner submitted that the petitioner complied with all the formalities, such as submitting necessary documents, filing affidavits and the petitioner has to play no role, except submitting documents to the Committee and abide by the directions of the Committee. Learned Counsel thus prayed for direction to the Scrutiny Committee to decide the tribe claim, within stipulated period of two months and also prayed for protecting the academic interest / career of the petitioner. As stated above, in identical circumstances, the orders are passed by this Court, thereby directing the Committee to decide the claim and in the meantime protecting interest of the students. We see no reason to take different view than the view already adopted by this Court in number of matters.

3. Learned AGP appears for the Committee and submits that there is huge pendency of the claims before the Committee, as such, the Committee be granted sufficient time to decide the claim.

4. Accordingly, the petition is disposed of with directions to respondent No.3 – Scrutiny Committee to decide the claim of the petitioner for grant of validity certificate expeditiously and not later than 12 weeks from the date of order of this Court. Till the decision of the Committee, respondent Nos.2 and 4 are directed not to take any coercive action, furtherance of communication dated 07.01.2019 issued by respondent No.4, leading to disturbance in the academic career of the petitioner. In-case of rejection of the claim, the respondents/authorities are at liberty to take further steps as well as the petitioner is also at liberty to challenge the decision of the Committee, if so advised.

5. With these observations the writ petition is disposed of.

[S.M.GAVHANE, J.]

[PRASANNA B. VARALE, J.]