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

WRIT PETITION NO.1205 OF 2019

MAYUR S/O PRAKASH AITWAR,
Age: 22 years, Occ: Student,
R/o. Dundra, Tq. Kinwat,
Dist. Nanded.

..PETITIONER

VERSUS

1. The State of Maharashtra,
Tribal Development Department,
Mantralaya, Mumbai-32
Through its Secretary.
2. The Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad
Division, Aurangabad,
Tq. & Dist. Aurangabad
Through its Member Secretary.
3. Maharashtra University of Health
Sciences, Vani Road, Nashik,
Tq. & Dist. Nashik
Through its Registrar.
4. N.K.P. Salve Institute of Medical
Sciences & Lata Mangeshkar
Hospital, Digdoh Hills, Hingna
Road, Nagpur-440019
Through its Dean.

..RESPONDENTS

Mr Vivek U. Jadhav, Advocate for petitioner;
Mr A.R. Kale, A.G.P. for respondent/State

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

DATE : 30th JANUARY, 2019

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ORAL ORDER :

Heard learned Counsel appearing for the petitioner.

2. Considering the grievance raised in the petition, we are of the opinion that without calling upon respondent Nos. 3 and 4, the petition can be disposed of at admission stage by issuing directions and protecting the interest of the petitioner.

3. The petitioner after passing 12th Standard Examination, on the basis of his merit, secured admission to M.B.B.S. Course from Scheduled Tribe category in the academic year 2015-2016 in respondent No.4 - college. The claim of the petitioner for validation was forwarded to respondent No.2 - Scrutiny Committee. The claim was received by the committee on 22nd June, 2015. The copy of submission of claim along with endorsement is placed on record at Exhibit-B.

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4. Learned Counsel appearing for the petitioner invited our attention to the various documents placed on record to submit that the petitioner is possessing sufficient material to show that he belongs to '*Mannervarlu*', Scheduled Tribe category. These documents are inclusive of school record and revenue record as well as caste certificates issued in favour of close relatives of the petitioner. Copy of affidavit is placed on record to show the genealogical tree of the petitioner.

5. Learned Counsel for the petitioner then submitted that the petitioner was expecting early decision by the Committee on the claim for validation but the claim is pending before the Committee for considerable long period and the petitioner has no role to play in the early decision by the Committee and for delay in decision. The petitioner is faced with notice of coercive action in the form of directing the

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petitioner to pay entire tuition fees for academic session of 2017-2018 and 2018-2019.

6. The communication/notice issued by respondent No.4 is also placed on record at Exhibit-G. Perusal of the communication shows that even respondent No. 4 admits position of pending claim but then under the directions of certain other Government official, communication is issued to the petitioner.

7. Considering these facts, the petition is disposed of, with directions to respondent No.2 - Committee to decide the claim of the petitioner for validity, as expeditiously as possible and not later than twelve (12) weeks from today. We further direct respondent Nos. 3 and 4 not to proceed in furtherance of communication dated 1st November, 2018 till decision of respondent No.2 - Scrutiny Committee. In case, the claim of the petitioner is invalidated, respondent Nos. 3 and 4 are at liberty to take appropriate steps, in view of decision of

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the Committee.

8. With these directions, the petition is disposed of.

(**S.M.GAVHANE**)
JUDGE

(**PRASANNA B. VARALE**)
JUDGE

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