

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

WRIT PETITION NO.1732 OF 2019

**AMOL GANGADHAR PALLEWAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr. Krishna Rodge, Advocate h/f Mr. P.G.Rodge, Advocate
for the petitioner

Mr. A.R. Kale, AGP for the respondent/State

Mr. K.C. Sant, Advocate for respondent No.2.

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

DATED : 06.02.2019

P.C. :-

1. Heard learned counsel for the petitioner.
2. Issue notice to the respondents.
3. Learned AGP waives service of notice for respondent/State.
4. Mr.Sant, learned counsel waives service of notice for respondent No.2.
5. With a limited grievance the petitioner is approaching this Court.
6. A letter was issued to the petitioner dated 17.01.2019. Copy of the letter is placed on record at Exh.'C'. It is informed to the petitioner by way of the said communication that the petitioner could not submit his validity certificate till date and the petitioner was further directed to submit, the validity certificate immediately as soon the letter is received by the petitioner. Failure of submission of the validity certificate would lead to further consequences for which

the petitioner would be responsible, with this warning the letter was issued. Learned counsel for the petitioner was invited our attention to the documents placed on record. Learned counsel submitted that in earlier round of litigation, the petitioner had to approach this Court in Writ Petition No.3977 of 2017. The Tribe certificate issued in favour of the petitioner was canceled on the ground that there was an error in the certificate. It was brought to the notice of this Court that directions were issued by this Court to Sub-Divisional Officer to issue corrected Tribe certificate and though the petitioner applied for it, the petitioner was unable to receive the same.

7. Learned AGP on instructions submitted before this Court that the corrected tribe certificate would be issued to petitioner within one week.

8. Considering these facts the Division Bench of this Court by order dated 24.03.2017 permitted to exercise of seeking corrected tribe certificate and then referring it to the Committee for decision on merits, it was further directed by this Court to the Committee to decide the validation proceeding expeditiously and preferably within one year on receipt of the corrected tribe certificate. Respondent Nos.4 and 5 were specifically restrained from refusal to accept the examination form of the petitioner on the ground that the validity certificate is not obtained or that certificate was canceled as it was incorrectly spelt. The writ petition was disposed of. A document is placed on record to submit that the petitioner after

approaching the Sub-Divisional Officer received the corrected tribe certificate and submitted it to respondent No.4-Scheduled Tribe Certificate Scrutiny Committee on 10.08.2017 with a request to grant validation certificate. Perusal of copy of this application shows that the petitioner also annexed the documents, namely, the family tree, the order of the Court and letter issued by the Scrutiny Committee.

9. Learned counsel then submitted as the petitioner was apprehending that his result may not be declared on the backdrop of communication/letter dated 17.01.2019 the petitioner approached this Court and unfortunately the apprehension of the petitioner came true when the petitioner received the statement of marks/result. The copy of the communication in the form of statement of marks is placed on record and the same is marked at 'x'. Perusal of this document shows that respondent No.2 Maharashtra University of Health Sciences referred a remark in the statement of marks and same reads as "Withheld Hon.Court Ruling Awaited". We failed to see any logic or reason behind issuance of the statement of marks with a remark that "Withheld Hon.Court Ruling Awaited". The University was party to Writ Petition No. 3977 of 2017. The respondents including the University was directed not to refuse to accept examination form on the ground that the validation certificate is not obtained and petition was disposed of. Yet the University mechanically referred to a remark stating that result "Withheld Hon.Court Ruling Awaited". Learned counsel for the petitioner was justifying is submitting before us that the remark in

the marks statement would cause a serious prejudice to the petitioner in prosecuting his studies. Learned counsel was also justified in submitting before us that the petitioner had approached the Scrutiny Committee in year 2017 itself and was awaiting for the decision of the Committee and insofar as the petitioner is concerned, the petitioner has to play no role except approaching the Committee alongwith the documents and extending his cooperation for validation of the claim and it is for the Committee to take appropriate decision expeditiously.

10. As the learned counsel made out the case, the petition is allowed in terms of prayer clauses 'B' and 'C'. Respondent No.4-Scheduled Tribe Certificate Scrutiny Committee is directed to decide the claim of the petitioner for validation, as early as possible, and not later than 12 weeks from the date of order of this Court.

11. With these above directions, the writ petition is disposed of.

[S.M.GAVHANE, J.]

[PRASANNA B. VARALE, J.]