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

WRIT PETITION NO.1859 OF 2019

Pratikkumar s/o Nagorao Tippalwad,
Age: 21 years, Occu: Student,
R/o. At Post Barbada, Tq. Naigaon (Kh.),
Dist. Nanded

..PETITIONER

VERSUS

1. The State of Maharashtra,
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai-32
2. Joint Director and Member,
Scheduled Tribe Certificate
Verification Committee,
Aurangabad, Dist. Aurangabad
3. The Maharashtra Council of
Agricultural Education and Research,
Pune, Dist. Pune
Through its Director
4. The Registrar,
Vasantao Naik Marathwada
Agricultural University,
Parbhani, Tq. and Dist. Parbhani
5. The Principal,
Aditya Agriculture College,
Nalwandi Naka, Beed,
Tq. and Dist. Beed

..RESPONDENTS

Mr C. R. Thorat, Advocate for petitioner;
Mr S. S. Dande, A.G.P. for respondent Nos.1 to 3

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

DATE : 11th February, 2019

ORAL ORDER:

Heard learned Counsel appearing on behalf of the petitioner.

2. Considering the submissions of learned Counsel appearing on behalf of the petitioner and on perusal of the documents placed on record, we are of the opinion that the petition can be disposed of at admission stage with directions to respondents-authorities and more particularly respondent No.2 - Committee to decide the claim for validation within stipulated period.

3. The petitioner is a student. After passing his 12th standard examination, he was desirous of prosecuting his further studies and was admitted in respondent No.5 - college. Initially, by way of Writ Petition No. 6637 of 2009, the petitioner had approached this Court seeking directions to the Sub Divisional Officer, Degloor, Dist. Nanded for issuance of caste certificate. The said petition was allowed and the Division Bench of this Court, by an order dated 6th October, 2009 directed the Sub Divisional Officer, Degloor to issue caste certificate to the petitioner that he belongs to 'Mannerwarlu Schedule Tribe' forthwith as he belongs to Mannerwarlu Schedule Tribe. The Division Bench further observed that caste certificate issued would be subject to verification by the competent scrutiny committee.

(3)

4. The claim of the petitioner was submitted to the Committee for validation. The committee accepted the claim of the petitioner and communicated the same to him by communication dated 22nd February, 2017. The copy of the said communication is placed on record at Exh.'C'. Learned Counsel for the petitioner submitted that as there are sufficient documents in respect of the claim of the petitioner, the petitioner is hopeful of validation of his claim but the same is pending before the Committee for a considerable long period.

5. Learned Counsel for the petitioner further submitted that the petitioner came to know about the communication dated 1st February, 2019 issued by respondent No.5 to respondent No.2 - committee, the copy of which is placed at Exh.'I'. Perusal of the said communication shows that the claim of the petitioner for reimbursement of the tuition fees was rejected and the claim for scholarship is forwarded to the Project Officer. He further submitted that in view of this communication, the petitioner apprehends that respondent No.5 may take adverse action against him resulting in disturbance to his academic career. Thus, learned Counsel for the petitioner, in view of the above referred facts prays for directions to the committee and protection to him from the adverse action disturbing his academic career.

(4)

6. On perusal of the documents, we are of the opinion that learned Counsel for the petitioner has made out a case. As such, the petition is disposed of with directions to respondent No.2 - Committee to decide the claim of the petitioner as expeditiously as possible and not later than twelve weeks from the date of the order of this Court. We also direct respondent No.5 - College not to take any adverse action against the petitioner so as to disturb his academic career, till the decision of respondent No.2 -Committee. We further make it clear that on the decision of the Committee, respondent Nos.4 and 5 may take appropriate steps.

With the aforesaid directions, the petition is disposed of accordingly.

(S. M. GAVHANE, J.)

(PRASANNA B. VARALE, J.)

sjk