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

WRIT PETITION NO.1900 OF 2019

Suryadev Babruwahan Dudhewad,
Age: 22 years, Occu: Student,
R/o. At Post Hadolti, Tq. Ahmedpur,
Dist. Latur

..PETITIONER

VERSUS

1. The State of Maharashtra,
Through its Secretary,
Health and Science Department,
Mantralaya, Mumbai
2. The Scheduled Tribe,
Caste Certificate Scrutiny Committee,
Through its Member Secretary,
Aurangabad, Division Aurangabad
3. The Registrar,
Maharashtra University of Health Science,
Wani Road, Mhasrul, Nashik
4. The Dean,
Topiwalla National Medical College,
Dr. A. L. Nair Road, Mumbai 400 008

..RESPONDENTS

Mr E. S. Murge, Advocate for petitioner;
Ms R. P. Gour, A.G.P. for respondents/State;
Mr C. A. Jadhav, Advocate for respondent No.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. By way of present writ petition, the petitioner is seeking directions to respondent Nos.3 and 4 to declare his result of final year MBBS course and permit him to appear for internship commencing from 11th February, 2019 as well as directions to respondent No.2 - Scrutiny Committee to decide his tribe claim expeditiously.

3. The caste certificate issued in favour of the petitioner is placed on record at Exh.'A'. This certificate is issued by the Sub Divisional Officer, Ahmedpur on 11th August, 2010 stating that the petitioner belongs to 'Koli Mahadev' Scheduled Tribes category. The validity certificates issued in favour of the father and ruling sister of the petitioner is placed on record. In the earlier round of litigation, the petitioner was before this Court in Writ Petition No.10969 of 2014. Even prior to this petition, the petitioner had approached this Court by filing Writ Petition No.4841 of 2012 to submit that the claim for validation is pending before the Committee and by an order dated 17th June, 2014 in that petition, this Court directed the Committee to decide the validation proceedings within one year and respondents were directed to accept the examination form of the petitioner. Again respondents refused to accept the examination form, as such, the petitioner was before this Court in Writ Petition No.10969 of 2014. The statement was made on behalf of respondent No.4 that the form was wrongly refused and respondent No.4 was ready to accept the same. In view of the statement

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made before this Court, the Division Bench of this Court disposed of the petition with further directions to respondents that they shall not refrain the petitioner from prosecuting the study on the ground that validation proceedings are pending.

4. Learned Counsel for the petitioner invited our attention to the statement of marks issued by respondent No.3 - University. He submits that the petitioner passed 3rd year of MBBS course successfully. In the statement of marks, it is shown against clause 'Result' as "WITHHELD Hon. Court Ruling Awaited". Learned Counsel for the petitioner submitted that in identical circumstances, this Court by an order dated 6th February, 2019, disposed of the petition with directions to respondents to declare the result of the petitioner and permitted the petitioner to undertake the further course in his academic career without insisting for the validity certificate subject to the petitioner fulfilling other conditions or criteria. A copy of the order dated 6th February, 2019, passed by this Court in Writ Petition No.1695 of 2019 is placed on record and same is marked 'X' for identification.

5. In view of above, we see no reason to take a different view than the view adopted by us in our order dated 6th February, 2019. Accordingly, the petition is disposed of at the admission stage with directions to respondent Nos.3 and 4 to declare the result of the petitioner of the final year of MBBS

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course and permit him to appear for internship without insisting validity certificate subject to fulfilling other conditions or criteria.

6. We further direct respondent No.2 - Scrutiny 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.

7. Respondent Nos.3 and 4 are at liberty to take appropriate steps after the decision of the Scrutiny Committee.

With the aforesaid directions, the petition is disposed of.

(S. M. GAVHANE, J.)

(PRASANNA B. VARALE, J.)

sjk