

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

WRIT PETITION NO. 2880 OF 2019

**GAURAV HITENDRA MAHALE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr. Madhur A. Golegaonkar, Advocate for the petitioner
Mr. A.R. Kale, AGP for the respondent/State.

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

DATED : 28.02.2019

P.C. :-

1. Heard learned counsel for the petitioner.
2. As a limited grievance is raised in the petition, notice is issued to respondent Nos.1 and 2. Notice made returnable forthwith. Learned AGP waives service of notice for respondent Nos.1 and 2.
3. After completing 12th standard examination the petitioner sought admission in respondent-College for the first year degree course. As the petitioner belongs to Thakur Scheduled Tribe, the claim was forwarded to validation to the Competent Scrutiny Committee i.e. respondent No.2 in year 2016. The copy of the covering letter issued by the Principal of the college is placed on record at Exh.'B'. Perusal of this document shows that the Scrutiny Committee accepted the claim for the verification on 16.02.2016. The petitioner has submitted various documents in support of his claim and is hopeful of validation of the claim but the claim is still

pending before the Committee and meantime the petitioner is served with a notice issued by the College. Copy of the notice dated 28.12.2018 is placed on record at Exh.'K' to submit that the petitioner apprehends of a coercive action for non submitting the validity certificate including depriving the petitioner from prosecuting his further study. Learned counsel also placed reliance on the judgment of the Division Bench of this Court in writ petition No.2151 of 2007 dated 26.09.2017 delivered at the Principal seat of this Court.

4. In view of these facts, the petition can be disposed of at the admission stage with direction to respondent No-2-Scrutiny Committee to decide the claim for validation received by it on 16.02.2016 as expeditiously as possible and not later than twelve (12) weeks from the order of this Court. We further direct respondent No.3 not to take any coercive action in furtherance to notice dated 28.12.2018 till the decision of the the Scrutiny Committee. We further make it clear that on decision of the Committee respondent No.3 is at liberty to take appropriate steps.

5. With the above directions, the writ petition is disposed of.

[S.M.GAVHANE, J.]

[PRASANNA B. VARALE, J.]