

(1)

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

WRIT PETITION NO.1905 OF 2019

Mallikarjun Balaji Akulwad,
Age: 22 years, Occu: Student,
R/o. Mangalsangvi, Tq. Kandhar,
Dist. Nanded

..PETITIONER

VERSUS

1. The State of Maharashtra,
Through it's Secretary,
Medical Education and Drugs Department,
Mantralaya, Mumbai-32
2. The Scheduled Tribe Certificate Scrutiny
Committee, Aurangabad,
through its Deputy director. (R)
3. The Dean/Principal,
Grant Government Medical College,
And JJ Ground of Hospital, Buculla,
Mumbai
4. The Registrar,
Maharashtra University of Health Sciences,
Nashik, Dindori Road, Nashik,
Tq. & Dist. Nashik

..RESPONDENTS

Mr P. V. Jadhavar, Advocate for petitioner;
Mr K. N. Lokhande, A.G.P. for respondents/State;
Mr K. C. Sant, Advocate for respondent No.4

**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)

2. Certain facts of the present petition are identical to the facts of the petition, which is disposed of by us today only i.e. Writ Petition No.1900 of 2019. The petitioner is a student, who is studying in MBBS course. He was restrained from prosecuting his studies on the ground that he has failed to produce validity certificate.

3. Being aggrieved by the denial to prosecute the studies, the petitioner had approached this Court by filing Writ Petition No.2489 of 2015. The said writ petition was decided along with other petitions on 4th March, 2015. The Division Bench of this Court permitted the petitioner to appear before the Committee and the Committee was directed to decide the validation proceedings in respect of tribe claim of the petitioner expeditiously and preferably within a period of one year. The respondents authorities were restrained from disturbing the academic career of the petitioner. It was further directed that till the validation proceedings is decided, the respondents shall not insist the petitioner for payment of fees as applicable for the candidates from open category, subject to the decision of the committee in validation proceedings. Again the petitioner had approached this Court by filing Writ Petition No.2544 of 2018. The said petition was disposed of with directions to the Committee to decide the claim of the petitioner within a period of six months from the date of the appearance of the petitioner before it.

(3)

4. Learned Counsel for the petitioner submitted that though the petitioner appeared before the committee and also filed representation before it to decide the claim expeditiously, till date the claim is not decided and the petitioner is faced with the statement of marks showing that result of the petitioner is 'WITHHELD Hon. Court Ruling Awaited'.

5. Considering the identical facts, we have decided Writ Petition No.1900 of 2019 with directions to the Committee to decide the claim of the petitioner within a stipulated period and further directing the other respondents i.e. Dean/Principal of the college and the Registrar of the University not to insist for validity certificate for prosecuting studies by the petitioner till the claim is decided by the committee. The committee, as such, is directed to decide the claim of the petitioner expeditiously and not later than twelve weeks from the date of the order of this Court and respondent Nos.3 and 4 are directed to permit the petitioner to prosecute his studies and declare his result without insisting for submission of validity certificate. We further make it clear that on decision of the committee, respondent No.3 and 4 are at liberty to take appropriate steps.

With the aforesaid observations/directions, the petition is disposed of.

(S. M. GAVHANE, J.)

(PRASANNA B. VARALE, J.)

sjk