

(1)

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

WRIT PETITION NO.1914 OF 2019

Pallavi d/o Sitaram Johare,
Age: 20 years, Occu: Student,
R/o. Soygaon, Tq. Soygaon,
Dist. Aurangabad

..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,
Dr. Ulhas Patil Medical College
and Hospital, Jalgaon 425001
4. The Registrar,
Maharashtra University of Health Sciences,
Nashik, Dindori Road, Nashik,
Tq. & Dist. Nashik

..RESPONDENTS

Mr P. V. Jadhavar, Advocate for petitioner;
Mr A. R. Kale, 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. She was restrained from prosecuting her studies on the ground that she 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.3485 of 2017. The said writ petition was decided on 16th March, 2017. The Division Bench of this Court directed the committee shall take decision in respect of tribe certificate validation proceedings of the petitioner expeditiously and preferably within a period of eight months. The respondent - University was also directed not to refuse to accept the examination form of the petitioner and shall not withhold her result on the ground that the validation proceedings are pending. It was also directed that respondent Nos.3 and 4 may take further course of action depending upon judgment of the committee in the validation proceedings.

4. Learned Counsel for the petitioner submitted that till date the claim of the petitioner 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'.

(3)

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 her studies and declare her 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