

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

**WRIT PETITION NO.2968 OF 2019**

**PALLAVI PRAKASH PALLEWAD  
VERSUS  
THE STATE OF MAHARASHTRA AND ORS**

Mr.Chandrakant R. Thorat, Advocate for the petitioner  
Mr.A.R.Kale, AGP for the respondents/State

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

**DATED : 06.03.2019**

**P.C. :-**

. Heard learned counsel for the petitioner.

2. The petitioner is before this Court with two substantive prayers:

A] By issuing writ of Mandamus or any other appropriate writ or jurisdiction in the like nature, be please to direct the respondent No.4 Scheduled Tribe Certificate Scrutiny Committee, Aurangabad to decide the Tribe Validation Proceeding of the petitioner within Three months from the date of order of this Hon'ble High Court.

B] Be pleased to direct the respondent No.2,3 and 5 not to take any coercive action against the petitioner only on the ground that she has not submitted Validity Certificate.

3. The petition is taken up for hearing disposal at the admission stage.

4. Before we proceed to refer to the relevant facts in brief, it may be appropriate to state that this is the third round of litigation wherein the petitioner is approaching this Court. While the petitioner was prosecuting her education in N.E.S. Science College, Nanded and was admitted in the 12th std science class, the claim for validation forwarded to the Scrutiny Committee on 25.06.2015. The Scrutiny Committee cancelled the certificate and confiscated the same on the ground that there is an error in the nomenclature of the caste in the caste certificate. The order of the Committee was challenged before this Court by the petitioner alongwith other petitioners and in bunch of petitions, the Division Bench of this Court by judgment and order dated 20.06.2017 permitted the petitioners to approach the concerned Sub-Divisional Officer for obtaining the corrected certificates and further permitted the petitioners to submit the certificates with corrected nomenclature to the Scrutiny Committee for validation and in turn the Scrutiny Committee was directed to decide the tribe claims within stipulated period of one year from

the date of receipt of the corrected certificates from each of the petitioners. Meantime, the petitioner was admitted in respondent No.5 college for Bachelor of Ayurved Course. Result of the petitioner was withheld on the ground of failure to submit the validity certificate. The petitioner again approached this Court by filing writ petition No.3518/2016. By order dated 05.10.2016 the Division Bench of this Court directed the Scrutiny Committee to decide the claim within period of eight months from the date of order of this Court i.e. 05.10.2018 and protected academic interest of the petitioner by directing the college to permit the petitioner to pursue her further studies subject to decision of the Scrutiny Committee. The claim for validation was accepted by the Scrutiny Committee on 30.10.2017. Copy of the acceptance documents under the signature of Members Secretary is placed on record at Exh.H.

5. Considering the facts we propose to dispose the petition with direction. Issue notice to the respondents, returnable forthwith. Learned AGP waives service of notice for respondents/State.

6. Respondent No.4 is directed to decide the tribe

claim of the petitioner as expeditiously as possible and not later than six weeks from the date of order of this Court. As the petitioner's academic career is protected by this Court by order dated 05.10.2016 we direct respondent No.3 University and respondent No.5 the Principal, College not to take any coercive action against the petitioner till the decision of the Scrutiny Committee. It is submitted by the learned counsel for the petitioner that as the petitioner is in final year of B.A.M.S. course and appearing for the examinations in near future as such petitioner apprehends that respondent Nos.3 and 5 may take some coercive action resulting in disturbance to the academic career as such above referred directions are issued to respondent Nos. 3 and 5.

7. With the above observations and directions, the writ petition is disposed of.

**[ S.M.GAVHANE, J. ]**

**[ PRASANNA B. VARALE, J. ]**