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

WRIT PETITION NO. 2180 OF 2019

Khan Md. Mohaddis Ali
S/o Md. Mebhoob Ali, age 24 years
occupation student, R/o Killa road,
Nanded Taluka & Dist. Nanded ..PETITIONER

VERSUS

1. The State of Maharashtra
through its Secretary,
Medical Education and Drugs Department
Mantralaya, Mumbai.
2. The Maharashtra University of
Health Science Nasik
3. The Government Ayurvedic College
Osmanabad District Osmanabad
4. The Caste/ Tribe Verification/
Scrurity Committee, Lemon tree
Near St.Lawrence School, Aurangabad
Taluka & District Aurangabad ..RESPONDENTS

Mr T. W. Pathan, Advocate for petitioner;
Mr A. R. Kale, A.G.P. for respondent No.1
Mr S. B. Pulkundwar, Advocate for respondent No.2

**WITH
WRIT PETITION NO. 2240 OF 2019**

Ganesh S/o Sainath Tadewad
Age- 22 , Occ.Education
R/o Mandala Tq.Umari
District: Nanded ..PETITIONER

VERSUS

1. The State of Maharashtra
through its Secretary,
Medical Education and Drugs Department
Mantralaya, Mumbai.
2. The Dean
B. J. Government Medical College
Jaiprakash Narayan Road,
Near Pune Railway Station,
Pune, Dist. Pune
3. The Registrar,
Maharashtra University of Health
Sciences, Dindori Raod, Mhasrul/
Nasik, District – Nashik
4. The Scheduled Tribe Caste Certificate
Verification Committee Aurangabad,
Through its Dy. Director (R),
Aurangabad.

..RESPONDENTS

Mr S. M.Vibhute, Advocate for petitioner;
Mr A. R. Kale, A.G.P. for respondent No. 1
Mr Dhananjay Deshpande, Advocate for respondent No.3

**WITH
WRIT PETITION NO. 2241 OF 2019**

Yogesh S/o Sanjayrao Satamwar
Age: 23, Occu.-Education
R/o Pala Tq. Mukhed
District - Nanded

..PETITIONER

VERSUS

1. The State of Maharashtra
through its Secretary,
Medical Education and Drugs Department
Mantralaya, Mumbai.

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2. The Dean
Government Medical College Miraj
Dist. Sangli
3. The Registrar,
Maharashtra University of Health
Sciences, Dindori Raod, Mhasrul/
Nasik, District – Nashik
4. The Scheduled Tribe Caste Certificate
Verification Committee Aurangabad,
Through its Dy. Director (R),
Aurangabad.

..RESPONDENTS

Mr S. M.Vibhute, Advocate for petitioner;
Ms. R. P. Gaur, A.G.P. for respondent No.1
Mr C. A. Jadhav, Advocate for respondent No.3

**WITH
WRIT PETITION NO. 2252 OF 2019**

Sachin S/o Ashokrao Sangapwad
Age: 22, Occu.-Education
R/o Ritha, Tq. Mukhed
District - Nanded

..PETITIONER

VERSUS

1. The State of Maharashtra
through its Secretary,
Medical Education and Drugs Department
Mantralaya, Mumbai.
2. The Dean
Topiwala National Medical College, Mumbai,
BLY Nair Charitable Hospital Area
Dr. A.L. Nair Raod, Mumbai
3. The Registrar,
Maharashtra University of Health
Sciences, Dindori Raod, Mhasrul/
Nasik, District – Nashik

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4. The Scheduled Tribe Caste Certificate
Verification Committee Aurangabad,
Through its Dy. Director (R),
Aurangabad.

..RESPONDENTS

Mr S. M. Vibhute, Advocate for petitioner;
Mr V. S. Badakh, A.G.P. for respondent No.1
Mr S. B. Pulkundwar, Advocate for respondent No.3

**WITH
WRIT PETITION NO. 2253 OF 2019**

Shubham S/o Shankarrao Koneri
Age – 23, Occu- Education
R/o Jai Bhavani Nagar,
Near Waman Nagar, Purna Raod
Nanded Tq. Nanded
District – Nanded

..PETITIONER

VERSUS

1. The State of Maharashtra
through its Secretary,
Medical Education and Drugs Department
Mantralaya, Mumbai.
2. The Dean
Dr. Punjabrao Deshmukh Medical College,
Shivajinagar, Amrawati,
District: Amrawati.
3. The Registrar,
Maharashtra University of Health
Sciences, Dindori Raod, Mhasrul/
Nasik, District – Nashik
4. The Scheduled Tribe Caste Certificate
Verification Committee Aurangabad,
Through its Dy. Director (R),
Aurangabad.

..RESPONDENTS

Mr S. M. Vibhute, Advocate for petitioner;
Mrs M. A. Despande, A.G.P. for respondent No.1
Mr Sham B. Patil, Advocate for respondent No.3

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**WITH
WRIT PETITION NO. 2256 OF 2019**

Kum. Kavita D/o Rajendra Jadhav
Age: 23 years, Occ. Education
R/o Cada, Tq. Ashti, Dist. Beed ..PETITIONER

VERSUS

1. Maharashtra University of Health Science,
Nasik, Vani Raod, Nasik
through its Registrar
2. Government Ayurvedic Mahavidyalaya,
Osmanabad,
Tuljapur Raod, Madhuban, Osmanabad
Tq. & Dist. Osmanabad.
Through its Dean/ Principal
3. The Scheduled Tribe Certificate
Scrutiny Committee Aurangabad,
Through its Member Secretary ..RESPONDENTS

Mr Sagar Phatale, Advocate for petitioner;
Mr Sham B. Patil, Advocate for respondent No.1
Ms. R. P. Gour, A.G.P. for respondent No. 2 & 3

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

DATE : 15th February, 2019

ORAL ORDER:

Heard learned counsel for the petitioners.

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2. All these petitions are challenging the declaration of result by way of statement of marks through the respondent - University i.e. Maharashtra University of Health Sciences, Nashik (hereinafter referred to as the "University" for sake of brevity) referring to the caption result 'Withheld Hon. Court Ruling Awaited'. The petitioners are prosecuting their studies in medical course and other courses, etc. The petitioners in their earlier round of litigation approached this Court on the ground that the claim for validation is pending before the Competent Scrutiny Committee and the respondent - College and the University may not take adverse action against them and permit them to prosecute their further studies subject to decision of the Committee. The petitions were disposed of by the order of the Division Bench of this Court. The Division Bench while disposing of the petitions directed the Scrutiny Committee to decide the validation proposal within stipulated period. The Division Bench then directed the respective Colleges and University not to take adverse action against the petitioners and permit them to prosecute further studies subject to decision of the Committee.

3. Learned Counsel appearing for the respective petitioners submit that till date the claims are pending before the Scrutiny Committee for decision in spite of the representations submitted by the petitioners to the Committee. It is also submitted by the learned

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Counsel for the petitioners that the respective colleges and the University were specifically directed not to take any adverse action against the petitioners and permit them to prosecute their further studies subject to the decision of the Committee and in spite of the directions of this Court, the University is issuing the statement of marks to these petitioners withholding their result on a specious plea that 'Court Ruling is awaited'. It was also submission of the learned Counsel for the petitioners that as the Committee is sitting tight over the claims, the ultimate sufferer are the petitioners. It is not in dispute that the claims are pending before the Scrutiny Committee and the petitioners had to play no role in the decision making process except to submit the relevant material to the Committee and awaiting the decision of the Committee.

4. Considering the aforesaid facts and on the backdrop of the submissions of the learned Counsel, we are of the opinion that the Counsel appearing for the petitioners made out the case and the petitions deserve to be allowed.

5. Accordingly we direct respondent - Scheduled Tribe Certificate Scrutiny Committee, Aurangabad to decide the claim of the petitioners expeditiously and not later than three months from the date of order of this Court.

6. We further direct the respondent - university as well the respondent - college to declare the result of the petitioners and permit them to prosecute their further studies or internship, as the case may be and not to take any adverse action on the ground that the claim is pending before the Committee.

7. We further make it clear that on the decision of the Committee, the respondent - university and the respective college is at liberty to take appropriate steps in view of the decision of the respective Committees either at Aurangabad or Nashik.

8. With above directions, writ petitions are disposed of.

9. Parties to act upon authenticated copy this order.

(S. M. GAVHANE, J.)

(PRASANNA B. VARALE, J.)

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