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

WRIT PETITION NO.2301 OF 2019

Harshal S/o Sanjay Thakur,
Age : 17 years, Minor, Occ. Student,
U/g of his father, viz. Sanjay Rambhau Thakur,
Age : 53 years, Occ. Agriculture,
R/o 9A, Vadil Road, Police Colony,
Valwadi, Tq. & Dist. Dhule

..PETITIONER

VERSUS

1. The State of Maharashtra
Department of Tribal Development,
Mantralaya, Mumbai - 32,
Through its Secretary
2. The Scheduled Tribe Caste Certificate
Scrutiny Committee, Nandurbar Division,
Nandurbar,
Through its Member Secretary
3. Shri Shivaji Vidya Prasarak Sanstha's
Bapusaheb Shivajirao Deore
Polytechnic,
Dhule - 424 005
Through its Principal

..RESPONDENTS

Mr S.C. Yeramwar, Advocate for petitioner;
Mr V.S. Badakh, A.G.P. for respondent no.1

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

DATE : 15th February, 2019

ORAL ORDER:

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Heard Mr Yeramwar, learned Counsel appearing on behalf of the petitioner.

2. With two-fold prayers, the petitioner has approached this Court, firstly seeking directions to the Scrutiny Committee to decide the tribe claim expeditiously and secondly, directions to the authorities to permit the petitioner to appear for examination without insisting for payment of full fees. Considering the fact situation submitted before us orally as well as by way of documents placed on record through the learned Counsel, petition is taken up for disposal at the stage of admission.

3. The petitioner is a student prosecuting his studies in second year of Diploma in Civil Engineering in respondent no.3 college. The claim for validation was forwarded to the Scrutiny Committee on 29th January, 2018 through the Principal of respondent no.3 college. Copy of the forwarding letter is placed on record at Exh.B. There is also a communication placed on record to show that the claim of the petitioner is accepted by the Committee on 5th February, 2018. As such, there cannot be any dispute with the fact that the claim is pending with the Committee. Certain other documents are also placed on record to submit that there is sufficient material in support of claim of the petitioner. It may not be necessary for us to refer to

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these documents.

4. Respondent no.3 issued a notice on 18th January, 2019 thereby informing all the students to deposit the examination fees along with the necessary documents and obtain no dues endorsement from the concerned officer of the college. The petitioner immediately approached the Principal with an application seeking permission to fill up the examination form. It is stated in the application that the petitioner has paid the complete fees. Copy of the application is placed on record at Exh.H.

5. Learned Counsel for the petitioner submitted that on the ground that the claim is pending before the Committee and the petitioner is not possessing the validity certificate, respondent no.4 is not accepting the examination form and insisting upon the petitioner to pay the entire tuition fees for the academic course. Learned Counsel then by inviting our attention to a Circular issued by the Commissioner of Tribal Development, Maharashtra State, Nasik, dated 29th March, 2017 submitted that this communication refers to the directions of the State Government and the object behind these directions is that the students should not be deprived of their academic course on account of failure to submit validity certificate. It is also submitted by the learned Counsel that in similar

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circumstances, the Division Bench of this Court, by order dated 8th February, 2019 in Writ Petition No.3781 of 2018 directed the Committee to decide the claim within stipulated period and then further directed not to demand tuition fees on the ground that validity certificate is not submitted as the validation proceeding is still pending. Copy of said order is placed on record at Exh.J.

6. Considering the above referred facts, we see no reason to take a different view than the view adopted by the Division Bench of this Court in the order dated 8th February, 2019. Accordingly, petition is disposed of with directions to respondent no.2 Scrutiny Committee to decide the claim as early as possible and not later than twelve weeks from the date of the order of this Court.

7. The petitioner undertakes to appear before the Committee on 4th March, 2019. Respondent no.3 is directed not to demand the tuition fees on the ground that validity certificate is not submitted as the validation proceeding is still pending. Respondent no.3 is permitted to take further course of action depending upon the decision of the Committee.

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With aforesaid directions, petition is disposed of.

(S.M. GAVHANE, J.)

(PRASANNA B. VARALE, J.)

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