

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

946 WRIT PETITION NO.2934 OF 2019

SUNIL NANDKUSHOR CHALNEWAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr.Thorat Chandrakant R.
AGP for Respondents: Ms. M.A. Deshpande

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**CORAM : PRASANNA B. VARALE &
SUNIL K. KOTWAL, JJ.**

DATE : 28th MARCH, 2019

O R D E R :

Heard learned counsel for petitioner.
Considering grievances raised in the petition and
considering the fact that in identical circumstances,
this Court has passed order to protect the academic
interest of the students, we deem it appropriate to
dispose of the petition at admission stage.

2. Issue notices to respondents, returnable
forthwith.

3. The learned AGP waives service of notice for

respondent Nos. 1, 2 and 3 as, for the reasons stated in the later part of the order whereby the academic carrier of the petitioners is to be protected.

4. Notice is not issued to respondent No. 4.

5. Learned counsel for petitioner invited our attention to the documents placed on record that the petitioner belongs to 'Mannervaralu' Scheduled Tribe and after completing his 12th Standard the petitioner was admitted in Diploma Course. The petitioner submits that as the claim for verification of the Scrutiny Committee through College i.e. in Amrutvahini College of Engineering, Sangamner, Tq. Sangamner, Dist; Ahmednagar is pending, copy of the communication in the form of covering letter is placed on record at Exh. B. Our attention was also invited to the documents placed on record in the form of affidavit making reference to the genealogy of the petitioner as well as validity certificate issued in

favour of of relatives of the petitioner to submit that the petitioner is having sufficient material to substantiate his claim for validity. The learned counsel then submitted that as there was continuous insistence from respondent No. 4 to submit validity certificate, the petitioner requested the Scrutiny Committee to issue validity certificate at the earliest. Copy of application/reminder letter dated 12.2.2019 is also placed on record. It was submitted that the petitioner after completing his Diploma Course was admitted to respondent No. 4, Engineering College on his merit and now the petitioner is prosecuting his Engineering Course in the final year. The learned counsel submitted that the petitioner would be required to submit his examination form in near future and the authorities may, by insisting upon for submission of validity certificate to prevent the petitioner from submitting the examination form and this may lead to serious loss to the petitioner, whereby the petitioner would be

deprived to prosecuting his academic career. It was also submitted by Mr. Thorat, learned counsel for the petitioner that such loss to the petitioner/student would be irreparable loss and cannot be compensated.

6. Learned counsel also submitted that in the identical circumstances this Court protected the academic career of the petitioner. On perusal of material referred above, we find considerable merit in the application of the petitioner. Learned counsel for the petitioner was also justified by making submissions before us that the petitioner except submitting his claim to the Committee for validation and providing necessary material and subjecting him to the procedural formalities, could not play any other role and it is for the Committee to take appropriate decision on the claim expeditiously.

7. Considering all these facts, we are of the opinion that the counsel for the petitioner made out

the case. Accordingly, respondent No. 2 Committee is directed to decide the tribe claim of the petitioner, as expeditiously possible and not later than twelve weeks from the date of receipt of the order of this Court. We further direct respondent Nos. 3 and 4, not to take any coercive action against the petitioner for non submission of the validity certificate till the decision of the Committee. The respondent Nos. 3 and 4 are at liberty to take appropriate decision on receipt of the order of the Committee. With these observations and directions the petition is disposed of.

(SUNIL K. KOTWAL, J.)

(PRASANNA B. VARALE, J.)

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