

(1)

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

WRIT PETITION NO.2775 OF 2019

Manisha D/o Vishwanath Arbadwad,
Age: 24 years, Occ: Education,
R/o. Shriramnagar, Beed,
Taluka and District Beed

..PETITIONER

VERSUS

1. The State of Maharashtra,
Through its Secretary,
Medical Education & Drugs
Department, Mantralaya,
Mumbai-32
 2. The Dean/Principal,
Late Shri. Yeshwantrao Chavan
M. Medical R.D. Foundation's
Dental College, Ahmednagar
Taluka and District Ahmednagar
 3. Maharashtra University of
Health Sciences, Vani Road,
Masarul, Nashik,
Through its Registrar
 4. The Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad
Through its Member Secretary
- ..RESPONDENTS

Mr Santosh S. Jadhavar, Advocate for petitioner;
Mrs M.A. Deshpande, A.G.P. for respondent/State;
Mr S.S. Gangakhedkar, Advocate for respondent No.3

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

DATE : 1st MARCH, 2019

ORAL ORDER :

Heard Mr. Jadhavar, learned Counsel appearing for the petitioner.

2. As the limited grievance is raised in the petition, the petition is taken up for final hearing disposal at admission stage. Notice is issued to the respondents, returnable forthwith. Learned A.G.P. waives service of notice for respondent Nos. 1 and 4 and Mr. Gangakhedkar, learned Counsel waives for respondent No. 3 University.

3. The facts which are necessary for disposal of the petition are summarised as follows :

The petitioner after completing his 12th Standard was desirous of seeking admission to professional course like course of B.D.S. as such, the claim was staked. As there was no positive consideration, the petitioner had approached this Court by filing Writ Petition No.8209 of 2014 and

(3)

by order dated 16th September, 2014, the Division Bench of this Court directed the respondents - authorities to consider the claim of the petitioner for admission from the S.T. category on submission of the undertaking in the prescribed format.

Then there is another round of litigation. The petitioner was prevented from prosecuting her further studies on account of pendency of the proceedings of the claim. By order dated 19th September, 2014 in Writ Petition No.11357 of 2017 and other connected petitions, the Division Bench of this Court directed the Scrutiny Committee to decide the validation proceedings in respect of tribe claim within stipulated period and academic interest of the petitioner was protected by this Court. Then the Committee rejected claim of the petitioner on the ground that there is an error in the certificate in the nomenclature of the social status shown in the certificate, as such, again the petitioner was required to approach this Court along with other petitioners.

(4)

4. The Division Bench of this Court, by detailed order dated 19th September, 2017 in bunch of the petitions, wherein the petitioners were similarly circumstanced, issued directions in streamline process. Copy of the said order is placed on record at Exhibit-C. It is submitted by learned Counsel for the petitioner that the petitioner had complied with stages of the order were clauses (a) to (e) and now is awaiting decision of the Scrutiny Committee. The Committee was directed to decide the claim within stipulated period of one year. Copy of the claim submitted to the Committee for verification is placed on record at Exhibit-E.

5. Perusal of this document shows that the petitioner submitted caste certificate issued to him through competent authority dated 27th February, 2018 along with the claim which was submitted on 13th March, 2018 and this claim was accepted by the Committee on the very day i.e. 13th March, 2018 with an endorsement on the document.

(5)

6. The petitioner who attended 4th semester of winter session of 2018 and appeared for this examination received result showing that the result is withheld by the University. The said document is placed on record at Exhibit-F. The name of the petitioner finds place in the list against Seat No. 79044 and PRN 0215191541. Learned Counsel for the petitioner submitted that the result of the petitioner is withheld and same is causing serious prejudice to the petitioner, as the petitioner would be prevented from prosecuting her further course in academic career, as such, seeking admission for internship and completing course. Learned Counsel also submitted that academic interest is protected by this Court on more than one occasion and the petitioner plays no role in the decision of the Committee except awaiting early decision of the Committee. Learned Counsel for the petitioner was justified in making the above referred submissions before us.

7. Considering the fact-situation as stated above, the petition is partly allowed, with

(6)

direction to respondent No.4-Scrutiny Committee to decide the claim as per stipulated period under the order of this Court dated 19th September, 2017 and respondent No.3-University is directed to declare the result of the petitioner without insisting for validity certificate. Respondent No.2 is also directed not to prevent the petitioner from pursuing her academic career on the ground of non submission of validity certificate till the Committee decides the claim of the petitioner. We permit the respondents - authorities namely, respondent Nos. 2 and 3 to take appropriate steps as on the Committee decides the claim of the petitioner.

8. With these directions/observations, the petition is disposed of.

Authenticated copy of this order be supplied to the parties.

(**S.M.GAVHANE**)
JUDGE

(**PRASANNA B. VARALE**)
JUDGE