

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

947 WRIT PETITION NO.2953 OF 2019

KRUSHNADEVI RAMLU SINGARWAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr.Vibhute Sunil M.
AGP for Respondents: Ms.R.P. Gour

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

DATE : 28th MARCH, 2019

ORDER

At the outset, learned counsel for the petitioner prayed for amendment in the petition for correcting the sequence in the title clause. The oral prayer is allowed. Amendment be carried forthwith.

2. Heard learned counsel for petitioner.

4. Considering the grievance raised by the petitioner, we deem it appropriate to dispose of the

petition at the admission stage.

5. The petitioner is a student. The petitioner was admitted in B. Tech. Course, in Food Technology for the academic year 2014-15, on the seat available for the Schedule Tribe Category students. The petitioner is now in final year of B. Tech. in Food Technology course. The petitioner has completed his B. Tech. course and is desirous of seeking admission for the Post Graduate Course. In earlier round, the petitioner was before this Court in Writ Petition No. 3208 of 2017, challenging the order passed by the Scrutiny Committee. The Division Bench of this Court by order dated 9.3.2017, in bunch of petitions, permitted the petitioners to approach to the Scrutiny Committee for issuance of photostat copy of the caste/tribe certificate produced by them, for verification and on receipt of the photostat copy, the petitioners were further directed to approach the Sub Divisional Officer/Competent Authority for

issuance of the castes/ Tribe Certificate, within the stipulated period. On receipt of the applications, in turn, the concerned Sub Divisional Officer/Competent Authority, was directed to issue certificates within stipulated period of four weeks. On receipt of these certificates, those petitioners were again directed to approach the concerned Scrutiny Committee with proposals for verification of the certificates. Following that modality as directed by the Division Bench of this Court, the petitioner submitted the claim for verification to the Scrutiny Committee on 19.9.2017.

6. Mr. Vibhute, learned counsel for petitioner invited our attention to the documents placed on record and submitted that the petitioner submitted sufficient material before the Scrutiny Committee in the form of validity certificate issued to the close relative of the petitioner, on the basis of affidavits and the school record etc.

7. Our attention was also invited to the order of the Division Bench of this Court, dated 1.2.2018 in Writ Petition No. 1288 of 2018 stating that the respondent College refused to accept the examination form of the petitioner on the ground that the validation proceeding is pending and by the order dated 1.2.2018, the petitioner was protected by directions of respondent No. 3. The learned counsel then submitted that on the very ground the validation is pending before the Committee. The respondent No. 3 has withheld the documents i.e. declaration of final year result, mark sheet, the passing certificate and the degree certificate and these are the documents, which are necessary for seeking admission to the Post Graduate Course. Failure to submit these documents would result in declining the petitioner's claim for Post Graduate Course and as such irreparable loss would be caused to him, is the submission of Mr. Vibhute, learned counsel for

petitioner.

8. On these grievances the petitioner prayed for directions to respondents and more particularly to respondent No. 3, to provide these documents namely declaration of final year result, mark sheet, the passing certificate and the degree certificate to the petitioner, subject to decision of the Scrutiny Committee. Learned counsel for the petitioner submitted before us that the petitioner is ready to submit undertaking to this Court within stipulated period, that reference to these documents would be subject to the decision of the Committee and the petitioner would not claim any equity on the ground of reference of these documents.

9. On perusal of material placed on record, we find considerable merit in the submissions of learned counsel for the petitioner. It is not disputed that the claim is pending before the Committee and the

petitioner has no role to play in the exercise of early decision of the Committee, except to submit necessary documents to the Committee.

10. The petition is accordingly disposed of, with directions to respondent No. 3, to provide declaration of final year result, mark sheet, the passing certificate and the degree certificate to the petitioner within one week, subject to filing of undertaking by the petitioner, in this Court within one week from today. Respondent Nos. 3 and 4 are further directed not to take any coercive action against the petitioner, on the ground of pendency of validation claim before the Committee. We further make it clear that respondent Nos. 3 and 4 are at liberty to take appropriate action on the decision of the Scrutiny Committee. Considering the fact that the Writ Petition No. 1288 of 2018 was filed for seeking relief in the nature of permission to the petitioner to appear for examination and challenging

the action of refusal to accept the examination form and considering the fact that subsequent to the order of this court dated 1.2.2018, the petitioner appeared for examination and completed his B. Tech. in Food Technology Course, no fruitful purpose would serve by keeping the Writ Petition No. 1288 of 2018 pending in this Court. As such, Writ Petition No. 1288 of 2018 is also disposed of accordingly.

(SUNIL K. KOTWAL, J.)

(PRASANNA B. VARALE, J.)

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