

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

WRIT PETITION NO.3038 OF 2019

Shashvat Vijaykumar Pujalwar,
Age: 19 years, Occ: Student,
R/o. Shivba Nagar, Degloor,
Tq. Degloor, Dist. Nanded

... PETITIONER

VERSUS

1. The State of Maharashtra
Through its Secretary,
Medical Education and Drugs
Department, Mantralaya,
Mumbai
2. The Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad,
Through its Deputy Director (R),
3. The Dean,
Lokmanya Tilak Medical College
& Hospital, Sion, West,
Mumbai-22
4. The Registrar,
Maharashtra University of Health
Sciences, Dindoli Road, Nashik
Tq. Dist. Nashik.

...RESPONDENTS

Mr.P.V. Jadhavar, Advocate for the petitioner;
Mr.A.R. Kale, A.G.P. for respondent/State;
Mr. A.S. Bayas, Advocate for respondent No.4;

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

DATED : 1st MARCH, 2019

ORAL ORDER :

Heard learned counsel for the petitioner.

2. The petitioner is challenging the declaration of result by way of statement of marks through the respondent-University i.e. Maharashtra University of Health Science, Nashik (herein after referred to as the "University" for sake of brevity) referring to the caption result 'Withheld Hon. Court Ruling Awaited'. The petitioner is prosecuting his studies in medical course and other courses etc. The petitioner in his 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 the petitioner and permit the petitioner to prosecute his further studies subject to decision of the Committee. The

petition was disposed by the order of the Division Bench. The Division Bench while disposing the petition 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 petitioner and permit the petitioner to prosecute further studies subject to decision of the Committee.

3. Learned counsel appearing for the petitioner submits that till date the claim is pending before the Scrutiny Committee for decision in spite of representation submitted by the petitioner to the Committee. It is also submitted by the learned counsel for the petitioner that the respondent - College and the University was specifically directed not to take any adverse action against the petitioner and permit the petitioner to prosecute his 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 the petitioner withholding his result on a specious plea that 'Court Ruling is awaited'. It was also submission of the learned counsel for the petitioner that as the Committee is sitting tight over the claims, the ultimate sufferer is the petitioner. It is not in dispute that the claim is pending before the Scrutiny Committee and the petitioner 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 these facts and on the backdrop of the submissions of the learned counsel, we are of the opinion that the counsel appearing for the petitioner made out the case, the petition deserves to be allowed.

5. Accordingly we direct respondent/Scheduled Tribe Certificate Scrutiny Committee, Aurangabad to decide the

claim of the petitioner 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 petitioner and permit the petitioner to prosecute his 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. The petitioner to submit an undertaking to this Court that such declaration of result and further prosecution of the academic course of the petitioner is subject to the decision of the committee. Such undertaking be filed in this Court within two weeks. The petitioner to submit copy of undertaking to respondent - University as well as respondent - College.

8. We further make it clear that on the decision of

the Committee, the respondent-University and the respondent - College is at liberty to take appropriate steps in view of the decision of the respondent Committee, at Aurangabad.

9. With these above directions, the petition is disposed of.

10. Parties to act upon authenticated copy this order.

[S.M.GAVHANE, J.]

[PRASANNA B.VARALE, J.]