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

WRIT PETITION NO.3287 OF 2019

Komal d/o Yashwant Dhabe,
Age: 21 years, Occu: Student,
Presently residing at Near Samruddhi Residency,
Samruddhi Nagar, Behind Gokul Sweets, N-4,
CIDCO, New Aurangabad, Tq. & Dist. Aurangabad ..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, Aurangabad Division,
Aurangabad,
Through its Member Secretary
3. Maharashtra University of Health Sciences,
Dindori Road, Mhasrul,
Nashik-422004, Tq. & Dist. Nashik,
Through its Registrars
4. Smt. Kashibai Navale Medical College &
General Hospital,
Sr.No.49/1, Narhe, Mumbai-Pune Bypass,
Pune-411041,
Through its Dean ..RESPONDENTS

Mr V. U. Jadhav, Advocate for petitioner;
Mr V. S. Badakh, A.G.P. for respondent Nos.1 & 2;
Mr S. B. Bhosale, Advocate for respondent No.3

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

DATE : 5th March, 2019

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ORAL ORDER:

Heard learned Counsel appearing on behalf of the petitioner.

2. The petitioner, after passing her XIIth Science examination was admitted in respondent No.4 - College on a seat reserved for candidate belonging to Naikda-Scheduled Tribes. The Principal of Secondary School, namely, Late Sheth Rajmal Lakhichand Lalwani Secondary and Higher Secondary School, Shendurni forwarded the claim of the petitioner for validation to the Committee on 18th February, 2016. The claim is accepted by the Committee on 31st May, 2016. The necessary documents in this regard are placed on record at Exh.'A' collectively.

3. The petitioner was expecting the decision by the Committee in a reasonable period. As the Committee failed to decide the claim of the petitioner and result of the petitioner is withheld by respondent No.3 - University, the petitioner was constrained to approach this Court. The admission of the petitioner was provisional, subject to an undertaking submitted to the University. This fact is reflected from the communication placed on record at Exh.'D'.

4. Learned Counsel for the petitioner submits that in spite of approaching the Committee time and again, the claim is not decided and the petitioner is now faced with a coercive action of payment of entire academic

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fees and tuition fees as an open category candidate along with withholding the result, thereby depriving her from prosecuting her further academic course. On these submissions, learned Counsel for the petitioner prays for grant of relief in terms of prayer clause (D). He further submitted that in an identical circumstances, this Court has allowed the writ petition with directions to the Committee to decide the claim and then protected the interest of the petitioner/student. Learned Counsel is justified in making this submission. The petition, as such, is taken up for hearing/disposal at the admission stage.

5. Issue notice to respondents, returnable forthwith.

6. Learned Asstt. Govt. Pleader waives service of notice for respondent Nos.1 to 3.

7. The petition is accordingly partly allowed in terms of prayer clause (D). We also direct respondent No.2 - Scrutiny Committee to decide the tribe claim of the petitioner on its own merits, as early as possible and not later than twelve weeks from the date of the order of this Court. We further make it clear that on decision of the Scrutiny Committee, respondent Nos.3 and 4 are at liberty to take appropriate steps.

With the aforesaid directions/observations, the petition is disposed of.

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Registry to issue authenticated copy of the order to Counsel for the respective parties.

(S. M. GAVHANE, J.)

(PRASANNA B. VARALE, J.)

sjk