

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

WRIT PETITION NO.3350 OF 2019

Chandrakant S/o Narsing Rokde
Age : 21 years, Occ. Education,
R/o Dongarshelki, Tq.Udgir
Dist. Latur

..PETITIONER

VERSUS

1. The State of Maharashtra
Through its Secretary,
Medical Education and Drugs Department,
Mantralaya, Mumbai
2. The Dean
Ashwini Rural Medical College
Hospital & Research Centre,
Kumbhari, South Solapur
Dist. Solapur
3. The Registrar,
Maharashtra University of Health
Sciences, Dindori Road, Mhasrul/
Nashik, District- Nashik
4. The Scheduled Tribe Caste Certificate
Verification Committee Aurangabad,
Through its Dy. Director (R)
Aurangabad
5. The Commissioner,
Tribal Development Commissionerate,
Adivasi Vikas Bhavan, First Floor,
Agra Road, Nashik, Dist. Nashik

6. The Project Officer
Integrated Tribal Development Project
Office Solapur, Tq.Solapur
Dist. Solapur

..RESPONDENTS

Mr S. M. Vibhute, Advocate for the petitioner;
Ms R. P. Gour, A.G.P. for respondent Nos.1 and 4 to 6;
Mr S. B. Patil, Advocate for respondent No.2;
Mr Shrikant Patil, Advocate for respondent No.3

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

DATED : 7th 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 the course of M.B.B.S. 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 him 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 learned counsel for the petitioner that as the Committee is sitting tight over the claim, 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 has made out a case and 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. Insofar as the tuition fees and course fees are concerned, the communication dated 9th March, 2016 is placed on record at Exh.'I'. This communication refers to the order dated 24th December, 2014, passed at Nagpur Bench of this Court in Public Interest Litigation No.63 of 2014. It is stated in the said communication that because of the pendency of the claim before the Scrutiny Committee, the students of reserved category are deprived of scholarship or other benefits. The Division Bench, while directing the petitioner to submit an undertaking that admission of the petitioner is

subject to the submission of the caste validity certificate and in the event, claim is invalidated, the candidate shall return the scholarship received by such candidate and further it is made clear that this would only in the case of the students whose claims are pending before the Caste Scrutiny Committee and are not decided. In view of these facts, we are inclined to allow prayer clause (E) also while disposing the petition.

8. We further make it clear that on the decision of the Committee, the respondents University and the College are at liberty to take appropriate steps in view of the decision of the respondent Committee.

The petition is disposed of accordingly.

[S.M.GAVHANE,J.]

[PRASANNA B.VARALE,J.]

sjk