

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

WRIT PETITION NO.3326 OF 2019

Sanjeevani D/o. Sudhakar Bodhagire,
Age-23 years, Occu-Education,
R/o.Shivnagar, Jalna,
Tq. & Dist. Jalna

...PETITIONER

VERSUS

1. The State of Maharashtra
Through its Secretary,
Medical Education and
Drugs Department,
Mantralaya, Mumbai-32

...RESPONDENTS

2. The Dean/Principal,
Government Ayurved Mahavidyalaya,
Vazirabad, Nanded

3. The Registrar,
Maharashtra University of Health Science
Vani Road, Masarul, Nashik

4. The Scheduled Tribe Caste Certificate
Scrutiny Committee, Aurangabad Division,
Kashmira Building, Aurangabad
Through its Deputy Director (R)

Mr.Anil P. Piratwad, Advocate for the petitioner
Mr.V.S.Badakh, AGP for the respondents/State
Mr.Dhananjay P. Deshpande, Advocate for respondent No.3

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

DATED : 06.03.2019

P.C. :-

. Heard learned counsel for the petitioner.

2. In this petition, 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 her studies in medical course. The petitioner in her 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 her further studies subject to decision of the Committee. The writ petition No.2896/2015 was disposed by the order of the Division Bench dated 13.03.2015. The Division Bench while disposing the petition directed the Scrutiny Committee to decide the validation proposal within stipulated period. The Division Bench then directed that till the validation proceedings are decided, the respondents shall not refrain the petitioner from prosecuting further studies and appear for examination

only on the ground that validation proceedings are pending. Of Course, the respondent/college can take further steps in tune with the judgment and order passed by the Committee in the validation proceedings.

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 College and the University were specifically directed not to take any adverse action against the petitioner and permit the petitioner to prosecute her 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 her 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 seating tight over on 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 made out the case, the petition deserves to be allowed.

5. Accordingly, we direct respondent No.4-Scheduled Tribe Certificate Scrutiny Committee, Aurangabad to decide the claim dated 10.06.2013 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 her further studies or internship and not to take any adverse action on the ground that the claim is pending before the Committee.

7. We further make it clear that on the decision of the Committee, respondent Nos.2 and 3 are at liberty to take appropriate steps in view of the decision of the Committee at Aurangabad.

(5)

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

9. Parties to act upon authenticated copy this order.

[S.M.GAVHANE, J.]

[PRASANNA B. VARALE, J.]