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

WRIT PETITION NO. 3507 OF 2019

Sarthak S/o Khanderao Mandewad
Age 19 years, Occ. Education
R/o Barahali, Tq. Mukhed
Dist. Nanded

..PETITIONER

VERSUS

1. Maharashtra University of Health Sciences,
Nasik, Vani Road, Nasik
through its Registrar
2. Government Ayurved College,
Vajirabad, Nanded
Dist. Nanded
Through its Dean/Principal
3. Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad
through its Member Secretary

..RESPONDENTS

Mr S. S. Phatale, Advocate for petitioner;
Mr S. V. Munde, Advocate holding for Mr K. C. Sant, Standing
Counsel for respondent No.1
Mrs A. V. Gondhalekar, AGP for respondent Nos.2 & 3

**CORAM : PRASANNA B. VARALE
AND
NITIN W. SAMBRE, JJ.**

DATE : 12th 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.

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Maharashtra University of Health Sciences, 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 i.e. B.A.M.S.. The petitioner in his earlier round of litigation approached this Court by way of writ petition No.2952 of 2015, on the ground that the claim for validation is pending before the Competent Scrutiny Committee and the respondent-College and the University should not take adverse action against him and permit him to prosecute his further studies, subject to decision of the Committee. The petition was disposed by the Division Bench of this Court by an order dated 28th August, 2017. The Division Bench, while disposing the petition, directed the Scrutiny Committee to decide the validation proposal within a stipulated period. The Division Bench then directed respondent No.1 - University to declare the result of the petitioner forthwith.

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 respondent No.1- University was specifically directed 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

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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 has 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 him 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.

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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 would be 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.

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

10. Parties to act upon authenticated copy this order.

(NITIN W. SAMBRE, J.)

(PRASANNA B. VARALE, J.)

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