

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 4240 OF 2015

Kum. Bhagyashri Vilas Kale	]	
Aged years, residing at	]	
N-3/L-82, Shree Ganesh,	]	
Near Shree Ganpati Temple,	]	
Old CIDCO, Nashik,	]	
Dist. Nashik - 422 009	]	... Petitioner

V/s.

1) State of Maharashtra	]	
Through its Secretary,	]	
Tribal Development Department	]	
Mantralaya,	]	
Mumbai - 400 032	]	

2) Scheduled Tribe Caste Certificate	]	
Scrutiny Committee, Nashik,	]	
Through its Deputy Director and Member	]	
Secretary having its office Aadivasi Vikas,	]	
Nashik, Dist. Nashik	]	

3) Competent Authority & Director	]	
of Technical Education having its	]	
office at 3, Mahapalika Marg,	]	
Post Box No. 1967,	]	
Mumbai – 400 001	]	

4) Principal,	]	
K.K. Wagh Institute of Engineering	]	
Education & Research, Hirabai	]	
Haridas Vidyanagri, Amrutdham,	]	
Panchavati, Nashik – 422 003	]	

... Respondents

Mr. C.K. Bhangoji I/b R.K. Mendadkar for the Petitioner.
Mr. S.B. Kalel, AGP for the Respondents/State.

**CORAM : B.R.GAVAI, &
DAMA SESHADRI NAIDU, JJ.
DATE : 15TH MARCH, 2019**

ORAL JUDGMENT: (Per B.R. Gavai, J.)

1] Rule. Rule is made returnable forthwith. Heard finally by consent of parties.

2] The limited relief claimed by the Petitioner is for direction to the Respondents to decide the claim of the Petitioner as expeditiously as possible. The Petitioner also apprehends cancellation of his admission on the ground of non-submission of validity certificate.

3] It is not in the hands of the Petitioner as to within how much period the Respondent No.2–Scrutiny Committee–would decide the claim of the Petitioner. However, on account of delay on the part of the Respondent No.2 in deciding the claim of the

Petitioner, the Petitioner cannot be penalised.

4] In that view of the matter, we are inclined to allow the Petition in the following terms :-

(i) Respondent No.2 – Scheduled Tribe Caste Certificate Scrutiny Committee—is directed to decide the claim of the Petitioner as expeditiously as possible and preferably within a period of six months from today.

(ii) Till the decision on the claim of the Petitioner and, in the event, the order adverse to the interest of the Petitioner is passed, for a period of three weeks from the receipt of such communication by the Petitioner, no coercive steps shall be taken against the Petitioner on the ground of non-submission of the validity certificate.

5] Rule is made absolute in the aforesaid terms.

However, there shall be no order as to costs.

(DAMA SESHADRI NAIDU, J.)

(B.R.GAVAI, J.)