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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4249 OF 2020

Arati Shivaji Koli

PETITIONER

VERSUS

The State of Maharashtra and Others

RESPONDENTS

.....

Mr. Estling S. Murge, Advocate for the petitioner

Mr. P. S. Patil, AGP for respondents - State

Mr. K. C. Sant, Advocate for respondent No. 3

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[CORAM : SUNIL P. DESHMUKH AND
M. G. SEWLIKAR, JJ.]

DATE : 9th JUNE, 2020

ORDER :

1. Heard learned advocates for appearing parties.
2. Petitioner has moved this writ petition seeking direction to respondents No. 3 and 4 to declare result of the petitioner of third year B. D. S. course and she be allowed to prosecute further studies of B. D. S. course with further request to direct respondent No. 2 to decide tribe claim of the petitioner expeditiously.
3. After hearing learned advocates for the parties, it transpires that earlier on petitioner had been before this court

under writ petition bearing No. 10589 of 2017 since claim of the petitioner to be belonging to *Koli Mahadev*, schedule tribe, had been at stake. The writ petition had been disposed of with direction not to withhold result of the petitioner of first year B.D.S. course if she is otherwise eligible on the ground that tribe validation proceeding of the petitioner is pending.

4. It appears that this court had also directed respondent No. 2 committee to decide the tribe validity claim of the petitioner, expeditiously. However, it appears that still tribe validity claim of the petitioner has not been decided. In the meanwhile, it appears, petitioner has undergone third year B.D.S. course and had also appeared for examination but her result has been withheld on account of non submission of tribe validity certificate.

5. It appears to have been claimed by the petitioner that her father's claim has been validated so is the case in respect of her real sister.

6. Having regard to aforesaid, we deem it appropriate that declaration of result of the petitioner of third year B.D.S. course may not be withheld on account of pendency of tribe validity proceeding and result of her examination of third year B. D. S.

course be declared and she be allowed to prosecute further studies, if she is otherwise eligible.

7. Respondent No. 2 committee as well may proceed with tribe validity claim of the petitioner as expeditiously as possible and may decide on the same as far as possible within a period of six months from the date of receipt of writ of this order.

8. Respondents may not issue final degree certificate to the petitioner unless and until she produces tribe validity certificate. Petitioner may also not avail benefit of reservation apart from being availed presently for B. D. S. course till tribe claim is validated.

9. Writ petition, accordingly, stands disposed of.

[M. G. SEWLIKAR]
JUDGE

[SUNIL P. DESHMUKH]
JUDGE