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

902 WRIT PETITION NO.4670 OF 2012

AMOL DILIP THAKUR
VERSUS
THE STATE OF MAH AND ORS

....

Mr P.S. Patil, A.G.P. for respondent-State

**CORAM : RAVINDRA V. GHUGE
AND
S. G. MEHARE, JJ.**

DATE : 13th August, 2021

PER COURT:

1. The office report dated 13.2.2014 indicates that the petitioner was served with the transfer notice after this matter, lodged in 2012 at Mumbai, was transferred to the Aurangabad Bench. On 24.2.2014, this matter at Aurangabad was adjourned. Again on 9.4.2014, the matter was adjourned. On 20.7.2014, the matter was again adjourned. Yesterday, as none appeared for the petitioner it has been posted today for passing orders.

2. Even today, none is present for the petitioner. The learned A.G.P. submits on instructions that while the tribe claim of the petitioner was pending validation, he has taken back his tribe certificate from respondent no.2 competent authority with liberty to re-submit the same certificate after some time. As on date, he has not re-submitted the said certificate.

(2)

3. The petitioner was 19 years of age in 2012 when he secured admission in the Maharashtra Institute of Technology at Pune. By this petition, he had applied for a direction that his tribe claim may be dealt with by the committee and the college authorities should allow him to appear for his Engineering examinations. The record reveals that no interim relief was granted to the petitioner ever since the filing of this petition at Bombay and it's subsequent transfer to Aurangabad.

4. In view of the above, though we could have dismissed the petition for want of prosecution, we deem it appropriate to direct respondent no.2 committee to issue a fresh notice to the petitioner for re-submitting his tribe certificate and for participating in the validation proceedings. We direct the petitioner to render whole-hearted co-operation to the committee and with this understanding, we expect the committee to decide the tribe claim of the petitioner on it's own merits, as expeditiously as possible and preferably on or before 28.2.2022. If the petitioner does not co-operate, the committee may decide his claim on the basis of the material before it.

5. The Writ Petition is disposed of. No order as to costs.

(S. G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)

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