

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO. 3212 OF 2021

Ku. Prerna Dinkar Chaudhari,
aged about 23 years, Occupation:
Service, R/o. Aditya Apartment,
Ayodhya Nagar, Yavatmal.

.... **PETITIONER.**

// VERSUS //

1. Scheduled Tribes Caste Certificate
Scrutiny Committee, through its
Member Secretary, Chaprasipura,
Amravati.
2. Walchand College of Engineering,
Vishrambag, Sangli, through its
Principal.
3. Shrivaji University, through its
Registrar, Vidya Nagar, Kolhapur-
416004.

.... **RESPONDENTS.**

Shri R.S.Parsodkar, Advocate for Petitioner.

Shri N.R.Patil, Advocate for Respondent No.1.

Ms Falguni Badani, Adv. h/f. Ms R.S.Sirpuarkar, Adv. for Resp.No.2.

**CORAM : SUNIL B. SHUKRE AND
 ANIL S. KILOR, JJ.**

DATED : OCTOBER 12, 2021

ORAL JUDGMENT : (Per : Sunil B. Shukre, J.)

1. Heard.

2. **RULE.** Rule made returnable forthwith. Heard finally by consent of the learned counsel for the parties.

3. It is not in dispute that the petitioner has already completed her B.Tech. Civil engineering course and she has cleared this course in May 2021. It is also not in dispute that she has paid the fees which are applicable to an Open Category candidate. The petitioner is willing to give an undertaking to this Court that in case her tribe claim is rejected, she would not claim the benefits of her education flowing from her B.Tech. Civil degree and would have no objection if the degree is forfeited by the University.

4. In view of above, we are of the opinion that the facts of this case are squarely covered by the judgment of this Court in Writ Petition No.5583 of 2017, decided on 16/04/2018. Hence, we pass the following order:

- i) The petition is **partly allowed**.
- ii) Respondent No.1-Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati is directed to decide the tribe claim of the petitioner within one year from the date of the order.

- iii) We direct respondent Nos. 2 and 3 to return the documents of the petitioner to her on condition that the petitioner shall furnish an undertaking to this Court and respondent Nos. 2 and 3 within three weeks from the date of the order that in case her tribe claim is rejected, she would not claim any benefit flowing from her B.Tech. Civil degree and would have no objection if her such degree is forfeited by respondent No.1-University.
- iv) We also direct respondent Nos.2 and 3 to provide provisional degree to the petitioner, within three weeks from the date of the order, subject to the decision in the tribe claim and as per the undertaking furnished by the petitioner.

Rule accordingly. No costs.

(ANIL S. KILOR, J)

(SUNIL B. SHUKRE, J.)

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