

(1)

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

903 CIVIL APPLICATION NO.8577 OF 2022  
IN WP/9791/2018 WITH WP/9791/2018 WITH WP/9891/2018  
WITH CA/13741/2019 IN WP/9791/2018 WITH CA/13740/2019  
IN WP/9791/2018

**VISHAL GOPAL SHIRE  
VERSUS  
THE STATE OF MAHARASHTRA THROUGH ITS  
SECRETARY AND OTHERS**

....

Mr U R. Awate, Advocate Talekar & Associates, Advocate for  
applicant;

Mr S. B. Yawalkar, A.G.P. for respondent No.1

Mr S. N. Suryawanshi, Advocate for respondent No.5

**CORAM : RAVINDRA V. GHUGE  
AND  
ANIL L. PANSARE, JJ.**

**DATE : 14th June, 2022**

**PER COURT:**

1. The petitioner/applicant has filed an undertaking that he would not claim any benefit of belonging to 'Thakur' Scheduled Tribe, until Writ Petition No.9791/2018 is decided. He would also not claim any benefits of his tribe while undergoing higher studies or in employment. The said undertaking affidavit (3 pages) is taken on record and marked as 'X-1' for identification.

(2)

2. By this civil application, the petitioner/applicant prays for release of his original documents viz. SSC and HSC Mark Sheets, School Leaving Certificate, Age, Nationality and Domicile Certificate and the Degree Certificate, upon completing B.Tech.

3. The learned Advocate representing the Educational Institute submits that the petitioner has to pay Rs.2,89,000/- towards tuition fees and other dues of the Institution. Though he has given an undertaking to this Court that he would deposit the entire amount if the petition is dismissed, now that he prays for these documents, it would be difficult to recover the said fees, if the petitioner succeeds in acquiring higher qualifications and proceeds abroad for employment. The learned Advocate for the petitioner concedes that these documents are required for completing the M.B.A. course at Chennai. He states on instructions from the applicant, who is present in this Court, that he would deposit Rs.1,50,000/- as against the outstanding dues of Rs.2,89,000/-, on or before 15/07/2022. The said amount would be deposited in this Court.

4. In that event, we direct that respondent No.5 - Institute would be at liberty to withdraw the said amount and adjust it

(3)

against the outstanding dues of the petitioner, subject to the decision in the petition.

5. The learned Advocate for the petitioner submits that, as the petitioner has to proceed to Chennai on 16<sup>th</sup> June, the original documents need to be delivered to the learned Advocate for the applicant/petitioner, by tomorrow.

6. Considering that the applicant/petitioner will be leaving for Chennai from Aurangabad tomorrow, and it would be cumbersome to travel to Sangli today, for collecting the documents and then return back to Aurangabad tomorrow, and again start his journey for Chennai, we direct the Institution, to send a special messenger from the Institution at Sangli to deliver the documents at Aurangabad by tomorrow morning.

7. In view of the above, this civil application is disposed off.

8. List the writ petition only to record the compliance of these directions, on 15/07/2022.

**(ANIL L. PANSARE, J.)**

**(RAVINDRA V. GHUGE, J.)**

sjk