

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

1006 WRIT PETITION NO.6399 OF 2022

**SOMNATH SHANKARRAO TOTEWAD
VERSUS
STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
ANOTHER**

...
Advocate for Petitioner : Mr.Phatale Sagar S.
AGP for Respondents-State : Mr.S.G.Sangle
...

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

DATE : 23rd JUNE, 2022.

PER COURT :

1. The petitioner prays that prayer Clause (A) be considered,
which reads as under :

“(A) That this Hon’ble Court be pleased to issue a writ of mandamus and or any other writ, order or direction in the nature of mandamus directing the Respondent No. 2 Committee to decide the application dated 18.12.2013 filed by the petitioner for grant of Caste Validity Certificate as expeditiously as possible and in any event, positively before commencement of admission process of PG degree course for the academic year 2022-23.”

2. The petitioner contends that he has now completed his MBBS Course and intends to take admission to PG-NEET -2022 by virtue of his caste certificate. He claims to be belonging to ‘Mannervarlu’ Tribe recognized as a Scheduled Tribe. He had

appeared before this Court in Writ Petition No. 1366 of 2016. This Court, by an order dated 03rd February, 2016, directed the Committee to decide his pending claim, within 8 months. As such, the decision should have been delivered by December, 2016.

3. The petitioner did not move this Court for 5 years. He allowed delay to be perpetuated. On account of delay, he was the only person, who could derive an advantage, because he has completed his entire MBBS Degree Course, during the pendency of the claim. Had the claim been decided earlier, if unfortunately, the claim was to be rejected/invalidated his education in the MBBS Degree Course, would have been in jeopardy. We, therefore, find from such factors, which appear in hundreds of cases before us that, this claimant is the one who actually benefited out of the delay. Such claimants approach the Court for a direction for expeditious disposal, only after completing the Degree Course.

4. Be that as it may, the learned Advocate for the Committee submits that, if the petitioner co-operates, the claim would be decided within three months.

5. In view of the above, this petition is disposed off, by relying on the statement of respondent No. 2 that the claim of the

petitioner would be decided on or before 30th September, 2022. A request for extension of time shall not be made by the Committee. The petitioner shall fully co-operate. In the event the petitioner seeks unnecessary adjournments on unreasonable or trivial grounds, the Committee shall be entitled to proceed to the next stage of the matter. The two validity certificates issued to the two biological sisters of the petitioner, would be considered by the Committee while dealing with his case, save and except for reasons of any legal impediment with regard to the said two validity certificates.

6. We are not entertaining any further prayers of the petitioner, in the light of the law laid down by the Hon'ble Apex Court in the case of **Chairman of Managing Director Food Corporation of India vs. Jagdish Balaram Bahira AIR 2017 SC 3271** and in **Vijay Kishanrao Kurundkar and Anr Vs. The State of Maharashtra and Ors AIR 2020 SC 3715**.

(ANIL L. PANSARE)
JUDGE

(RAVINDRA V. GHUGE)
JUDGE