

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

WRIT PETITION NO.12095 OF 2022

KISHOR LALUPRASAD YAMBADWAR
VERSUS
THE STATE OF MAHARASHTRA THROUGH IT'S
SECRETARY AND OTHERS

...

Advocate for Petitioner : Mr. Bilolikar Upendra Bapurao
AGP for Respondents-State : Mr. S K Tambe
Mr. S B Pulkundwar Advocate for Respondent No.3

...

CORAM : RAVINDRA V. GHUGE & SANJAY A. DESHMUKH, JJ.
Dated : December 02, 2022

...

PER COURT :-

1. The petitioner has put forth prayer clause 'B, C and D' as under :-

“B. By issuing appropriate writ, order or directions in the like nature, the respondent no.2-Committee may kindly be directed to decide the tribe claim of the petitioner as expeditiously as possible.

C. By issuing appropriate writ, order or directions in the like nature, the respondent no.3 Maharashtra University of Health Sciences, Nashik may kindly be directed to issue degree certificate to the petitioner.

C. By issuing appropriate writ, order or directions in the like nature the respondent no.4 College may kindly be directed to issue Internship completion certificate to the petitioner on completion of his Internship.”

aaa/-

2. We have perused the family tree. The petitioner's biological brother Krushna Laluprasad Yambadwar has been granted validity by the committee. The petitioner's claim of belonging to the "Mannervalu Scheduled Tribe" category is pending since 2013. He has now completed BAMS course and is qualified for appearing for the PG entrance examination for the master's course.

3. The learned Advocate representing the Health University relies upon an order passed by the Hon'ble Supreme Court in Special Leave to Appeal No.866-877 of 2022 (Maharashtra University of Health Sciences Vs. Madhavi Ramrao Thakur and Ors.) dated 31.1.2022 which reads as under :-

"Applications for exemption from filing c/c the impugned judgment and official transaction are allowed.

The impugned orders are only interlocutory order (s) and we would normally loath to interfere with the same but it amounts to giving relief to the respondent whose admission itself is doubtful as she has not been found to be entitled to validity certificate.

Issue notice.

In the meantime, there shall be stay of operation of the impugned order(s)."

aaa/-

4. He further submits that the interim order passed by this Court on 4.2.2020 directing the University to release the degree certificate has been stayed by the Hon'ble Supreme Court vide the above reproduced order. He further submits that, a recent order passed by this Court on 11.11.2022 delivered in writ petition no.7640 of 2022 filed by Payal Adesh Darekar Vs. Scheduled Tribe Certificate Scrutiny Committee and others, has also been challenged before the Hon'ble Supreme Court.

5. The learned Advocate for the petitioner submits on instructions that, the petitioner would be satisfied, if this court direct the committee to decide his pending claim proceeding expeditiously and preferably within (03) three months.

6. The learned AGP appearing on behalf of the Committee submits that, the Committee is not only under a mandate of deciding student's case expeditiously in the light of 100s of orders passed by this Court, the committee is now recently burdened with delivering of orders in about 600 to 800 proposals

aaa/-

pertaining to elected candidates. He, therefore, prays for six months time to be granted.

7. In view of the above, this petition is disposed off. We expect the committee to decide the petitioner's claim preferably, on or before 15.3.2023.

(SANJAY A. DESHMUKH, J.) (RAVINDRA V. GHUGE, J.)

...