

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

956 CIVIL APPLICATION NO.2924 OF 2023
IN WP/9724/2021

KIRAN SHRIKRISHNA PUNJARWAD
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY
AND OTHERS

...
Advocate for Applicant : Mr. Sunil M. Vibhute
AGP for Respondent Nos. 1 and 2: Mr. S.G. Sangle
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**CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.
DATED : 3rd MARCH, 2023.**

PER COURT :-

1. The Petitioner-Applicant prays for issuance of mark sheets pertaining to the 7th and 8th semester of the Engineering (Mechanical) course, passing certificate, transfer certificate, degree certificate and other original documents. His claim of belonging to the Koli Mahadev Scheduled Tribe has been invalidated and his petition challenging the said order is pending adjudication.

2. The Petitioner has tendered an affidavit undertaking dated 03.03.2023, which is marked as "X" for identification, to the effect that if his claim is invalidated in this litigation by this Court, he would:-

a) surrender the degree certificate and all marks memo,

- b) disassociate himself from the profession.

3. The learned A.G.P. opposed this application, citing an order of the Hon'ble Supreme Court dated 31.01.2022, passed in ***Petition(s) for Special Leave to Appeal (C) No(s). 866-867/2022 (Maharashtra University of Health Sciences vs. Madhavi Ramrao Thakur and others***, vide which the ad-interim order was passed by this Court, granting degree certificate, has been stayed on the ground that very admission of the candidate is rendered doubtful due to the invalidation.

4. The learned advocate for the Petitioner submits that he would be applying for admission to the P.G. course from the open category and would not take any advantage of reservation on the basis of his claim of belonging to Koli Mahadev Scheduled Tribe category.

5. Considering the affidavit undertaking and more particularly, a statement that if the Petitioner fails in the litigation, before this Court, he would surrender all original documents, certificates and would disassociate himself from the profession that, we are partly allowing this Civil Application by directing that the marks sheets of the 7th and 8th Semesters, passing certificate and transfer certificate shall be issued by the concerned authorities. We direct that the degree certificate would not be released.

6. By consent of the parties, list the Writ Petition for hearing on 27.03.2023.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE , J.)

rlj/