

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

WRIT PETITION NO.12120 OF 2023

Amol s/o Linguram Tummod ... **PETITIONER**

VERSUS

1. The State of Maharashtra,
through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai
 2. The Commissioner,
Tribal Development Commissionerate,
Adivasi Vikas Bhavan, First Floor,
Agra Road, Nashik, Dist: Nashik.
 3. The Dean
Lokmanya Tilak Municipal Medical College Mumbai,
Sion Hospital Area,
Dr. Babasaheb Ambedkar Road,
Sion (West), Mumbai
 4. The Registrar,
Maharashtra University of Health
Sciences, Dindori Road, Mhasrul,
Nashik, Dist. Nashik
- ... **RESPONDENTS**

...

Advocate for petitioner : Mr. G.K. Chinchole h/f. Mr. S.M. Vibhute

AGP for respondent Nos.1 and 2 : Mr. V.M. Jaware

Advocate for respondent No.4: Mr. K.M. Suryawanshi h/f. Mr. J.R. Patil

...

AND

WRIT PETITION NO.13755 OF 2023

Adarsha s/o Gangadhar Mashenwar ... **PETITIONER**

VERSUS

1. The State of Maharashtra,
through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai
2. The Commissioner,
Tribal Development Commissionerate,
Adivasi Vikas Bhavan, First Floor,

- Agra Road, Nashik, Dist: Nashik.
3. The Project Officer,
Integrated Tribal Development Project,
Kinwat Division, Dist. Nanded
 4. The Principal
Nanded Rural Dental College and Research
Centre Pangri Village, behind SRTM University
Nanded Tq. & Dist. Nanded
 5. The Registrar,
Maharashtra University of Health
Sciences, Dindori Road, Mhasrul,
Nashik, Dist. Nashik

... **RESPONDENTS**

...

Advocate for petitioner : Mr. G.K. Chinchole h/f. Mr. S.M. Vibhute

AGP for respondent Nos.1 to 3: Mr. K.N. Lokhande

Advocate for respondent No.5: Mr. K.M. Suryawanshi h/f. Mr. J.R. Patil

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CORAM : **MANGESH S. PATIL &
NEERAJ P. DHOTE, JJ.**

DATE : **01.12.2023**

PER COURT:

The petitioners in both these petitions secured the admission against the reserved seat and completed the course, however, obtained the certificates of validity of their tribe claim subsequently. The petitioners are aggrieved by the fact that though now they possess the certificates of validity, original certificates and the documents are not being returned to them by the respective colleges, for want of fees.

2. The fact remains that both the petitioners have been subsequently recognized to be belonging to a particular scheduled tribe or caste and have completed a course. Irrespective of whether they are eligible, at this stage, to seek the scholarship which is otherwise available

to the reserved category candidates, are entitled to, according to the Government Policies, the colleges would not have any right or lien over the certificates or the original documents which they are bound to return/issue to the petitioners. If at all, according to the policies of the Government the petitioners are entitled to seek scholarship and the institutes are entitled to seek reimbursement, that would be the matter to be considered at the end of the State Government.

3. Keeping open the issue regarding the scholarship and the entitlement of the institute to seek reimbursement, we dispose of the writ petition directing the respective colleges to return the original documents and issue necessary certificates to the petitioners immediately, without insisting for reimbursement, however, subject to their furnishing undertaking before this Court and before the colleges that in case so ordered they would pay the requisite fees to the respective colleges. The respective colleges shall take necessary steps for processing the petitioners' claims of scholarship/reimbursement as expeditiously as possible and in any case within three weeks and the Government may consider, the proposals within a period of four weeks from the date of receipt of the proposals on its own merits.

(NEERAJ P. DHOTE, J.)

(MANGESH S. PATIL, J.)