



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

911 WRIT PETITION NO. 1879 OF 2024

SAURABH BABU BASAPURE

VERSUS

THE STATE OF MAHARASHTRA THROUGH SECRETARY AND
OTHERS

...

Mr. Deepak D. Choudhari Advocate h/f. Mr. Advocate for
Petitioner.

Mr. A.M. Phule, A.G.P. for Resp. No.1.

Mr. Manish Navandar Advocate for Resp. No.3.

...

**CORAM: SMT. VIBHA KANKANWADI AND
S.G. CHAPALGAONKAR, JJ.**

DATE : 3rd MAY 2024

ORDER :

1. It appears that respondent No.2 is served by the petitioner, privately. The service affidavit contains copy of the acknowledgement.

2. Respondent No.3 is possessing the documents of the petitioner. It appears that those documents were withheld as the petitioner had not produced the certificate of validity. The position now remains is that the petitioner had approached this

Court by filing Writ Petition No. 11731 of 2018 to challenge the rejection of his claim of scheduled tribe. The said Petition came to be allowed partly, by order dated 19th June 2023. Thereafter on 26th June 2023 certificate of validity has been issued to the petitioner. It appears that thereafter by communication dated 3rd July 2023 by respondent No.2 to respondent No.3, request was made that since the certificate of validity has been submitted by the petitioner, his documents be returned. It appears that present petitioner had then given reminder to respondent No.2 by letter dated 9th August 2023.

3. Respondent No.3 filed affidavit of Shri Gajanan Ashru Bhalerao, Deputy Registrar, Academic. Along with it, a communication dated 11th July 2023 by respondent No.3 to the Director (Education) has been produced, in which it is accepted that the validity certificate has been produced by the petitioner and then a guidance was sought as to whether the documents should be returned. It is then stated by respondent No.3 that since communication has not been received from the concerned authority, they had not released the documents.

4. When all the conditions have been fulfilled, respondent

No.3 cannot withhold the documents now. Hence the Writ Petition stands allowed. Respondent No.3 is directed to release the degree certificate, passing certificate, mark-sheets, leaving certificate and any other document in respect of the petitioner within a period of two weeks from today.

5. Parties to act upon authenticated copy of this order.

[S.G. CHAPALGAONKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

asb/MAY24