



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CIVIL APPLICATION NO.3559 OF 2024

IN

WRIT PETITION NO.4166 OF 2023

Sharayu D/o Shankarrao Gajewad,
Age-24 years, Occu:Education,
R/o-Flat No.3, Shivraj Apartment,
Ayodhya Nagar, Pawdewadi Naka,
Nanded, Tq. and Dist-Nanded,
Through Power of Attorney Holder
Shankar S/o Wamanrao Gajewad,
Age-52 years, Occu:Service,
R/o-As Above.

...APPLICANT

VERSUS

- 1) The State of Maharashtra,
Through its Secretary,
Medical Education and Drugs Department,
Mantralaya, Mumbai,
- 2) The Scheduled Tribe Caste Certificate
Verification Committee, Kinwat,
Head Quarter at Chh. Sambhajinagar,
Through its Dy. Director (R),
Dist-Chh. Sambhajinagar,
- 3) The Principal,
Maharshi Karve Stree Shikshan Sanstha's
Smt. Bakul Tambat Institute of Nursing
Education, Karve Nagar, Pune, Dist-Pune,
- 4) The Registrar,
Maharashtra University of Health
Sciences, Dindori Road, Mhasrul/
Nashik, District-Nashik.

...RESPONDENTS

...
Mr. Sunil M. Vibhute Advocate for Applicant.
Mr. S.J. Salgare, A.G.P. for Resp. Nos. 1 and 2.
Mr. S.P. Shah Advocate for Resp. No.3.
Mr. J.R. Patil Advocate for Resp. No.4.
...

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

DATE : 12th APRIL, 2024

ORDER :

1. Present Application has been filed by the applicant / original petitioner for directions to respondent Nos. 3 and 4 to issue the certificates and return of original documents of the applicant / petitioner without insisting for tribe validity certificate.

2. The original petition is pending before this Court, wherein the petitioner has challenged the Judgment and order dated 8th September 2022 passed by respondent No.2 committee invalidating her tribe claim. The petitioner / applicant had taken admission for B.Sc. Nursing Course and it is stated that it was from ST category, in the year 2017. The petitioner / applicant claims that she has successfully completed the course in 2021. According to the petitioner, the college as well as the university

are not issuing necessary certificates as well as not returning the original documents.

3. Heard learned Advocate Mr. Vibhute for the applicant, learned AGP Mr. Salgare for respondent Nos. 1 and 2, learned Advocate Mr. Shah for respondent No.3 and learned Advocate Mr. Patil for respondent No.4.

4. A statement has been made on behalf of the petitioner that at this stage the petitioner is not insisting for degree certificate, however she is in need of other certificates and documents as the petitioner wants to pursue further education or take up job.

5. Since the challenge to the Judgment and order invalidating the petitioner's tribe claim is pending, it will not be justifiable to ask the university to issue degree certificate. However, as regards the other documents are concerned, those can be directed to be issued, however, subject to condition. We, therefore, pass following order:-

ORDER

(I) The petitioner / applicant to deposit the remaining amount of fees applicable to general category, within a period of one

week from today, in respondent No.3 college.

(II) After the fees are deposited, respondent No.3 college to return the original documents of the petitioner and to issue leaving certificate and other documents in the original form which might have been submitted by the petitioner at the time of admission, so also course completion certificate, attempt certificate, within a period of fifteen days thereafter. If the original documents/ certificates of 10th and 12th standard of the petitioner are available with respondent No.3 college, the same may be given to the petitioner.

(III) After the petitioner / applicant produces the copy of the payment receipt of the fees, respondent No.4 university to issue passing certificate, mark-sheet of fourth year to the petitioner, within a period of 15 days. If the original documents/ certificates of 10th and 12th standard of the petitioner are available with respondent No.4 university, the same may be given to the petitioner.

(IV) Petitioner / applicant to submit undertaking to this Court and the copy of the same to the respondent university and college that she will not misuse the certificates and documents so received under the orders of this Court as well as to state in the undertaking that she will not claim any benefit of those documents for securing admission from the reserved category, which would be then subject to outcome of the main Petition. Such undertaking to be filed within a period of one week from today.

(V) We allow respondent No.4 university to withhold the degree certificate of the petitioner till the decision of the main Petition.

(VI) The Civil Application stands disposed of, accordingly.

[S.G. CHAPALGAONKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

asb/APR24