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917-CA-10087-2026

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

917 CIVIL APPLICATION NO. 10087 OF 2026
IN WP/11124/2026

Harshal Kishor Sapkale

... Applicant

VERSUS

State Of Maharashtra Thr. Secretary And Others

...Respondents

WITH

WRIT PETITION NO. 11124 OF 2026

...

Mr. Sagar S. Phatale, Advocate for Applicant.

Mr. K. N. Lokhande, AGP for Respondent-State.

Mr. L. V. Sangit, Advocate for Respondent No.3.

Mr. Chandrakant A. Jadhav, Advocate for Respondent No.4.

CORAM : KISHORE C. SANT &
JITENDRA JAIN, JJ.

DATE : 03rd SEPTEMBER 2026.

PC :-

1. Heard the learned Advocates for the respective parties.
2. This civil application is filed by the petitioner seeking permission to appear for the summer 2026 examination and to declare the result of examination and to allow to prosecute further studies of MBBS course.
3. It is stated that the applicant had approached this Court by filing Writ Petition No.13031 of 2025. This Court by interim order dated

04/11/2025 had allowed the petitioner to take admission to the MBBS course. In paragraph No.9 this Court directed the respondent/committee to complete the proceeding within a period of three months from the date of the order. In the said order, it is specifically made clear that the petitioner shall extend full co-operation for the expeditious disposal of his caste claim. Learned Advocate for the petitioner thus submits that if he is not allowed to appear the examination, he will lose his career.

4. In the petition, the judgment of the committee dated 28/07/2026 is under challenge, whereby his claim is invalidated. The Hon'ble Apex Court, time and again, has passed order that no interim relief be granted in the cases of admission of students. In the present case, however, looking to the facts this Court had granted interim order on 04/11/2024. Now, this application is filed at the eleventh hour when the examination is to be held tomorrow i.e. on 04/09/2026 and this application is filed on 02/09/2026 pointing out an urgency. In the main petition, this Court has issued notice to Respondents, returnable on 15/09/2026. Thus, though the petition is due on 15/09/2026, the applicant has moved this Court in between.

5. The learned Advocate for the applicant vehemently argued that the petitioner's admission is protected by the order of this Court, it would be unfair and unjust now to not allow him to appear for examination when he has already completed on year course.

6. The learned AGP points out that, on one hand, the petitioner has approached this Court at the eleventh hour whereas, in the inquiry, he sought many adjournments and was not present on the dates of hearing by pointing out the observations made by the committee. It is recorded that on 07/10/2025, the petitioner was called for explanation on the report of vigilance cell. However, on that day, he was absent. He was called again on 16/10/2025. On 16/10/2025, for some unavoidable circumstances, the inquiry was required to be postponed. In the meantime, the petitioner was approached this Court by filing Writ Petition No.13031/2025. This Court on 04/11/2025 passed the order directing the committee to decide the proceeding within three months. The petitioner thereafter, was called for hearing on 18/11/2025. The petitioner was absent before the Committee. He sought time to give say on the vigilance cell report. The next date granted was 10/02/2026.

However, day before that on 09.02.2026, the Advocate for the petitioner appeared and sought time requesting not to take hearing on 10/02/2026. Thereafter, next date was granted on 20/04/2026. On 20/04/2026, the Advocate for the petitioner produced new document i.e. one birth certificate of one Parvatabai Chawdas and one entry about death of one Dulaji Vedu. Since new documents were submitted, the Committee was required to again conduct vigilance cell inquiry. It after receipt of report, the petitioner was called on 16/06/2026. However, on 16/06/2026, the Advocate again prayed for some time. It is on 06/07/2026, the father of the applicant appeared before the committee and pointed out that this High Court has passed an order directing the committee to decide the claim within stipulated period and requested to take up the matter on board on the same day. On 16/06/2026, the explanation on the second vigilance cell report was submitted and on that date, the file was produced and it is thereafter judgment is passed.

7. Learned AGP, on all this background, submits that though the petitioner on one hand himself sought directions to the committee to decide the claim in few months, on the other hand, he himself sought

adjournments before the committee. He produced two documents on 24/04/2026 by which date the timeline given by the Court was already over. This document made the committee to again conduct vigilance cell. Even after conducting that vigilance cell, time was sought by the petitioner. He thus submits that from conduct of the petitioner it is clear that he does not deserve any equitable relief at the hands of this Court.

8. Learned Advocate appearing for Respondent No.3/College submits that the university has not generated PNR number, and therefore, college is unable to allow the petitioner to appear for examination.

9. Learned Advocate Mr. Jadhav, for the Respondent No.4/University submits that the eligibility of the petitioner is still pending for want of validity certificate. The last date for submitting examination form was 30/08/2026. The petitioner has not even filled up the form. Since the university has not received any examination form, the University cannot make any arrangement at the eleventh hour to facilitate the petitioner to appear for examination.

10. This Court has considered all above, it is true that when the exam

is scheduled tomorrow, it is now the petitioner has approached this Court. Though it is submitted that on 21/08/2026 only the college send communication to the university seeking direction from the university as to whether to allow the petitioner to appear for examination.

11. Learned Advocate for the petitioner relied upon the order passed by the Hon'ble Apex Court in SLP No. 30636/2026 and order of this Court in WP/9842/2026, wherein directions are issued to grant admission to a student though the claim was invalidated. However, this Court finds that the said order would not help the petitioner. In the present case, petitioner was already admitted to the college. The conduct observed above clearly shows that now the petitioner cannot claim equity. If the committee could not decide the application of the petitioner within time, it is because of non-cooperation of the petitioner. The petitioner cannot take advantage of his own wrong and now claim equity before this Court. So far as order passed by the Hon'ble Court is concerned, it is passed under Article 142 of the Constitution of India. This Court does not possess power to pass such order. In the present case conduct of the petitioner also need to be committed.

12. Considering all above, this Court finds that no case is made out to pass any interim order. Civil Application stands dismissed.

[JITENDRA JAIN, J.]

[KISHORE C. SANT, J.]

D.A.ETHAPE