

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.2494 OF 2015

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
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Mr.A.S.Golegaonkar, advocate for the Petitioner.
Mr.D.B.Bhange, Asstt. Govt. Pleader for the State.
Mr.P.S.Patil, advocate for Respondent No.2.

**CORAM : S.V.GANGAPURWALA &
V.L.ACHLIYA, JJ.**
Date : 04.03.2015.

PER COURT :

1. Heard.
2. Mr.Golegaonkar, learned counsel submits that the petitioner is required to be considered from reserved category i.e. Scheduled Tribe. His validation proceedings are still pending. According to the learned counsel, the petitioner stands at serial No.4 in the merit list and if this chance of him getting admission in Post-Graduate course is lost, the petitioner would suffer irreparable loss.
3. Mr.Patil, learned counsel for the Committee points out the order dated 10.10.2014, passed in W.P.No.8780/2013, stating that the petitioner himself has given undertaking that he would not take the benefit of reservation till the validation proceedings are

decided.

4. Learned Asstt. Govt. Pleader also submits that in view of the earlier order of this Court in W.P.No.8780/2013, the prayer of the petitioner can not be considered.

5. This Court on 10.10.2014, in W.P.No.8780/2013, has passed the following order :

3. *Mr.Barlinge, learned counsel submits that till validation proceedings are decided, the petitioner would not claim any benefit of the said tribe and the petitioner is also ready to file an undertaking to that effect.*

4. *We have heard Mr.Sant, learned counsel for the Respondent.*

5. *In light of the above, we pass the following order :*

- a) *The Respondent No.2 University shall not withhold the degree and internship completion certificate only on the ground that validation proceedings are pending. If otherwise eligible, the University shall issue the said certificate subject to the decision of the Committee in the validation proceedings and on petitioner submitting an undertaking that the petitioner would not claim benefits of reservation till the validation proceedings are decided.*
- b) *The Writ Petition is accordingly disposed of. No costs.”*

5. In view of the aforesaid undertaking given by the petitioner, it would not be open for the petitioner to contend otherwise as is

being contended in the present petition.

6. In light of the above, the prayer made by the petitioner can not be considered. The proposal is pending since 2013. The Committee shall expeditiously disposed of the proceedings, preferably within six (6) months. The petitioner shall cooperate in expeditious disposal of the proceedings.

7. The Writ Petition as such is disposed of. No costs.

(V . L . ACHLIYA, J .)

(S . V . GANGAPURWALA, J .)

Dt..04.03.2015.
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