

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

WRIT PETITION NO.2489 OF 2015.

Mallikarjun S/o Balaji
Akulwad, ... Petitioner.

Versus

The State of Maharashtra
and others. ... Respondents.

...

WRIT PETITION NO.2492 OF 2015

Aishwarya d/o Sopan Garud ... Petitioner.

Versus

The State of Maharashtra
and others. ... Respondents.

...

WRIT PETITION NO.2495 OF 2015

Narayan So Digambar Kasalwad ... Petitioner.

Versus

The State of Maharashtra
and others.

Mr.Pratap V.Jadhavar, advocate for the
 Petitioners.
 Smt.S.D.Dhumal, Mr.P.N.Mule, Mr.A.S.Shinde,
 Asstt. Govt. Pleaders for the State.
 Mr.K.D.Bade Patil, Mr.A.B.Tele, Mr.P.S.Patil,
 advocates for Respondent Scrutiny Committee
 Mr.S.B.Bhosale, advocate for the Respondent No.4
 ...

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

Date : 04.03.2015.

PER COURT :

Rule, returnable forthwith. With the consent of the
 parties taken of for final hearing.

2. The tribe claims of the petitioners are pending consideration with the committee. The petitioners have been given admission to M.B.B.S. course in the Respondent No. 3 college. The learned counsel for the petitioners submits that the respondent college has directed the petitioners to produce validity certificates and unless the same are produced, the petitioners would not get eligibility and will not be allowed to appear for examination. The learned counsel for the committee submits that because of the large pendency of matters, it would take some time to decide as the proposals are received recently.

3. We have heard learned counsel for the respondent Nos. 3 and 4 who submit that in absence of validity being produced, the petitioners cannot be allowed to prosecute their further studies.

4. We have considered the submissions canvassed by the learned counsel for the respective parties.

5. To get the proceedings decided within stipulated period is not in the hands of litigant. The learned counsel for the committee states that it would take some time to decide the proceedings. In the light of above, we pass following order.

- i. The respondent No. 2 committee shall decide the validation proceedings in respect of tribe claim of the petitioners expeditiously and preferably within one year. The petitioners shall cooperate in expeditious disposal of the proceedings.
- ii. Till the validation proceedings in respect of the tribe claims of the petitioners are decided, the petitioners would not be refrained from prosecuting their studies and appearing for examination. Further steps can be taken in tune with the judgment of the committee in the validation proceedings.

iii. Till the validation proceedings are decided, the respondents shall not insist the petitioners for payment of fees as applicable to the candidates from open category, however, the same shall be subject to the decision of the committee in the validation proceedings.

iv. The petitioners shall appear before the committee on 16th March, 2015.

Rule is accordingly made absolute. Writ petitions disposed of. No costs.

(V. L. ACHLIYA, J.)

(S. V. GANGAPURWALA, J.)

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