

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

WRIT PETITION NO. 2761 OF 2015

Yogesh Balaji Chanchalwad,
Age : 19 Years, Occu. : Education,
R/o Rui (Bk), Tq. Naigaon (Kh),
District Nanded. .. Petitioner

Versus

1. The State of Maharashtra,
Through its Secretary,
Medical Education and Drugs Department,
Mantralaya, Mumbai.
2. The Principal,
SMBT Sevabhavi Trust's
SMBT Dental College,
Ghulewadi (Amrutnagar),
Tq. Sangamner, Dist. Ahmednagar.
3. The Registrar,
Maharashtra University of Health
Sciences, Dindori Road, Mhasrul/
Nashik, District Nashik.
4. The Scheduled Tribe Caste Certificate
Verification Committee Aurangabad,
Through its Dy. Director (R),
Aurangabad. .. Respondents

Shri Sunil M. Vibhute, Advocate for the Petitioner.

Shri G. K. Thigle, Addl.G.P. for the Respondent No. 1.

None for the Respondent No. 2 though served.

Shri K. C. Sant, Advocate for the Respondent No. 3.

Shri Ashok B. Tele, Advocate for the Respondent No. 4.

**CORAM : S. V. GANGAPURWALA AND
V. K. JADHAV, JJ.**

DATE : 19TH JUNE, 2015.

ORAL JUDGMENT (Per S. V. Gangapurwala, J.) :-

. Though the notice is served on the respondent No. 2, none appears for the respondent No. 2.

2. It is submitted by the learned counsel for the petitioner that, the validation proceedings in respect of tribe claim of the petitioner is pending. However, the respondent/college has issued notice to the petitioner to produce validity certificate, else further action would be taken.

3. Mr. Tele, the learned counsel for the respondent No. 4/Committee submits that, it would take some time for the Committee to decide the said proceedings.

4. Mr. Sant, the learned counsel for the university states that, the petitioner is admitted from reserved category, as such, he cannot be allowed to prosecute further studies without submitting validity certificate.

5. To get the proceedings decided within stipulated time is not in the hands of a litigant.

6. In the light of the above, we pass the following order.

7. The impugned notice is quashed and set aside. Till the validation proceedings are decided, the respondent Nos. 2 and 3 shall not take any adverse action against the petitioner only on the ground that validity certificate is not submitted. Of course, the respondent

Nos. 3 and 4 would be entitled to take further action in tune with the judgment and order of the Committee. The respondent No. 4/Committee shall decide the validation proceedings in respect of tribe claim of the petitioner expeditiously and preferably within a period of one (1) year from today. The petitioner shall co-operate in expeditious disposal of said proceedings.

8. The interim order passed on 11.03.2015 would continue till the disposal of the validation proceedings.

Rule is made absolute in above terms. No costs.

Sd/-

[V. K. JADHAV, J.]

Sd/-

[S. V. GANGAPURWALA, J.]

bsb/June 15