

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

WRIT PETITION NO. 3252 OF 2015

Rajiv Prabhu Muttepod

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Shri Arun H. Koralkar, Advocate for the Petitioner.

Shri P. N. Mule, A.G.P. for the Respondent No. 1.

Shri P. S. Patil, Advocate for the Respondent No. 2.

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

**CORAM : S. V. GANGAPURWALA AND
A. I. S. CHEEMA, JJ.**

DATE : 20TH APRIL, 2015.

PER COURT :

. The learned counsel for the petitioner submits that, the validation proceedings in respect of tribe claim of the petitioner as belonging to “Mannervarlu” scheduled tribe is pending with the Committee. The petitioner has appeared for IIInd year M.B.B.S. examination. However, result has not been declared only on the ground that, the validity certificate is not yet submitted. According to the learned counsel it is for the Committee to decide the validation proceedings. The learned counsel for the petitioner further submits that, the respondent No. 4 is also served and service affidavit to that effect is also

filed.

2. Mr. Sant, the learned counsel for the university submits that, as the petitioner has been admitted from the reserved category and the validity is not yet submitted the result is rightly withheld.

3. Mr. Patil, the learned counsel for the respondent No. 2 states that, validation proceedings are pending because of the huge pendency of matters, it would take some time to decide the said proceedings.

4. To get the proceedings decided within a stipulated time is not in the hands of a litigant. This Court vide order dated 09.07.2012 in Writ Petition No. 5540 of 2012 has already directed the Committee to decide the proceedings within a period of three months from the date of order. Almost three years have lapsed since the order is passed.

5. Considering the above, we pass the following order.

6. The Committee ought to have decided the proceedings as per the order passed by this Court dated 09.07.2012 in Writ Petition No. 5540 of 2012. If it was not in a position to decide the proceedings within stipulated time, the Committee ought to have

sought extension of time to decide the proceedings. However, considering the reason given, we direct the Committee to decide the validation proceedings in respect of the tribe claim of the petitioner positively within a period of six (6) months from today. The petitioner shall co-operate in expeditious disposal of the said proceedings.

7. The respondent Nos. 3 and 4 shall not withhold the result of the petitioner's examination, nor shall refrain the petitioner from prosecuting further studies only on the ground that the validation proceedings are pending. Of course, the respondent Nos. 3 and 4 are entitled to take further course of action as per the judgment of the Committee in validation proceedings. The writ petition is disposed of. No costs.

[A. I. S. CHEEMA, J.]

[S. V. GANGAPURWALA, J.]

bsb/April 15