

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.3960 OF 2015

Shaikh Junaid Shaikh Wahab,
Age-20 years, Occu:Education,
R/o-Beldarpura, Mangalwara Road,
Hingoli, Dist-Hingoli.

...PETITIONER

VERSUS

- 1) The State of Maharashtra,
Through its Principal Secretary
Of Department of Social Welfare,
Mantralaya, Mumbai,
- 2) The Divisional Caste Certificate
Verification Committee, No.2,
Ausa Road, Latur,
Through its Member Secretary,
- 3) The Government Medical College,
Latur at Latur,
Through its Dean,
- 4) Maharashtra University of Health
Sciences, Wani Road, Mhasrul,
Nashik, Through its Registrar.

...RESPONDENTS

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Mr.Swapnil S. Rathi Advocate for Petitioner.
Mrs.M.S. Patni, A.G.P. for Respondent Nos.
1 to 3.
Mr.K.C. Sant Advocate for Respondent No.4.

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

DATE : 8TH APRIL, 2015

ORAL JUDGMENT [PER S.V. GANGAPURWALA, J.] :

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

2. Mr. Rathi, the learned counsel for the Petitioner submits that validation proceedings in respect of the caste claim of the Petitioner as belonging to Beldar, Nomadic Tribe (N.T.) is pending with the Respondent No.2 Committee since 4th March 2013. The same is not yet decided. However, Respondent Nos.3 and 4 are not accepting the examination form of the Petitioner for appearing in first year M.B.B.S. Examination, on the ground that validity certificate is not yet submitted.

3. Mr. Sant, the learned counsel for Respondent No.4 submits that in absence of the validity certificate, the Respondent No.4 was justified in not accepting the examination form in view of the fact that the Petitioner had given undertaking at the time of admission.

4. The learned A.G.P. submits that because of huge pendency of matters before the Committee, it would take some time to decide the validation proceedings.

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

6. Considering above, we pass following order:-

O R D E R

(A) Respondent No.2 Committee shall decide validation proceedings in respect of caste claim of the Petitioner as belonging to Beldar, N.T., expeditiously, preferably within NINE MONTHS.

(B) The Petitioner shall co-operate for expeditious disposal of the said proceedings.

(C) The Respondent Nos.3 and 4 shall not refrain the Petitioner from prosecuting the further studies and appearing in the examinations only on the ground that validation proceedings are pending.

(D) Rule made absolute in above terms. Writ Petition disposed of. No costs.

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

[S.V. GANGAPURWALA, J.]