

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.3933 OF 2015

Shah Faiz Ahmed Yunus,
Age-19 years, Occu:Education,
R/o-House No.18, Moglai,
Near Panchashil Board,
Tq. and Dist-Dhule.

...PETITIONER

VERSUS

- 1) The State of Maharashtra,
Through its Secretary,
Medical Education and Drugs
Department, Mantralaya,
Mumbai-32,
- 2) The Divisional Caste Certificate
Scrutiny Committee, Dhule,
Tq. and Dist-Dhule,
- 3) The Registrar,
Maharashtra University of Health
Sciences, Dindori Road, Nashik,
Dist-Nashik,
- 4) The Principal,
Mohammadia Tibbia College &
Assayer Hospital, Mansura,
Malegaon, Dist-Nashik.

...RESPONDENTS

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Mr.Apparao Yenegure Advocate for Petitioner.
Mr.N.B. Patil, A.G.P. for Respondent Nos. 1
and 2.
Mr.K.C. Sant Advocate for Respondent No.3.

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

DATE : 8TH APRIL, 2015

ORAL ORDER :

1. The learned counsel for the Petitioner submits that the Petitioner is student of B.U.M.S. Course studying with Respondent No.4. The proposal for verification of his caste certificate as belonging to Chapparband, Vimukta Jatis, is referred to Respondent No.2 Committee on 19th February 2014 and the same is still pending. The learned counsel submits that Respondent No.3 University is not granting eligibility to the present Petitioner and is not accepting examination form for the first year B.U.M.S. Examination on the ground that the Petitioner has not submitted the validity certificate.

2. The learned A.G.P. states that it would

take some time to decide the validation proceedings because of huge pendency of the matters.

3. Mr. Sant, the learned counsel for Respondent No.3 submits that in absence of the validity certificate, the Respondent No.3 was justified in not accepting the examination form.

4. It is not disputed that since February 2014 validation proceedings in respect of caste claim of the Petitioner is pending. To get the proceedings decided within a particular time frame is not in the hands of the litigant.

5. Considering above, we pass following order:-

O R D E R

(A) Respondent No.2 shall decide caste

claim of the Petitioner as belonging to Chapparband, Vimukta Jatis, expeditiously, preferably within NINE MONTHS.

(B) The Respondents shall not restrain the Petitioner from prosecuting further studies and appearing for examinations, only on the ground that validation proceedings are still pending. The Authorities can take further decision as per Respondent No.2 Committee's order in validation proceedings.

(C) The Writ Petition disposed of, accordingly. No costs.

. Authenticated copy of this order be provided to the learned counsel for Petitioner.

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

[S.V. GANGAPURWALA, J.]