

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

WRIT PETITION NO. 4912 OF 2015

Shubham S/o Vyankatesh Mamilwad .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Pratap V. Jadhavar, Advocate for the Petitioner.

Shri K. M. Suryawanshi, A. G. P. for Respondent Nos. 1 and 5.

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

Shri A. D. Aghav, Advocate for the Respondent No. 4.

The respondent No. 3 is absent, though served.

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

DATE : 29TH JULY, 2015.

PER COURT :

. Though the respondent No. 3 is served, none appears for the respondent No. 3. Mr. Adhav, the learned counsel appears for the respondent No. 4.

2. The tribe claim of the petitioner is pending consideration with the committee. The petitioner has been given admission to engineering course. It is submitted that, the respondents are insisting for full fees and are also preventing the petitioner from prosecuting further course only on the ground that the validity certificate is not submitted. The validation proceeding is pending with the respondent No. 2/Committee. The learned counsel further

submits that, till the validation proceeding is decided, admission of the petitioner be protected.

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

4. We have also heard the learned Assistant Government Pleader.

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 petitioner expeditiously and preferably within one year. The petitioner shall cooperate in expeditious disposal of the proceedings.
- ii. Till the validation proceeding in respect of the tribe claim of the petitioner is decided, the petitioner would not be refrained from prosecuting his 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 petitioner 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. The petitioner shall give undertaking to the college that in case his claim is invalidated, then the petitioner would pay the full fees.
- iv. The petitioner shall appear before the committee on 9th March, 2015.
- v. The writ petition is disposed of. No costs.

[V. K. JADHAV, J.]

[S. V. GANGAPURWALA, J.]