

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO. 6932 OF 2015

SUMAYYA MOHAMMAD USMAN AKBNI

VERSUS

THE STATE OF MAHARASHTRA AD OTHERS

...

Advocate for Petitioner : Mr. Sushant V. Dixit h/for Mr.Nagargoje Ankush N.

AGP for Respondents 1 to 3: Mr. K. J. Ghute Patil

Advocate for Respondent No.4 : Mr. R. F. Totla

...

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

DATE : 24th July, 2015

PER COURT :

1. According to the petitioners, the respondents were not considering the petitioner for admission to the First Year B.A.M.S. course only on the ground that validation certificate is not submitted. This Court, vide order dated 10th July, 2015 had passed following order:

“5(a) In case the petitioner complies with all other legal requirements and the petitioner is otherwise eligible, then the petitioner shall not be denied admission only on the ground that validation proceedings are pending. In that case, the petitioner be given provisional admission subject to the decision of the Scrutiny Committee in the validation proceedings.”

2. This Court had specifically said that in case the petitioner complies with all other legal requirements and the petitioner is otherwise eligible, then the petitioner shall not be denied admission only on the ground that validation proceedings are pending. It is for the respondents to satisfy about the compliance of all other conditions by the petitioner. This Court had only directed that the petitioner shall not be denied admission only on the ground that validations proceedings are pending.

3. It is submitted that the petitioner has been granted provisional admission.

4. While passing interim order, we had relied on the judgment of the Apex Court in case of Kum. Madhuri Patil Vs. Additional Commissioner, reported in 2005 Supreme Court 94 (1) more particularly para 10 hereof.

5. In case petitioner is otherwise eligible and in case he has been granted provisional admission subject to the decision of the Committee in the validation proceedings, the petitioner would not be refrained from prosecuting further studies only on the ground that validation proceedings are pending. Of course the respondent No.4 college is entitled to take further course of action in tune with the judgment that would be delivered by the committee in the validation proceedings.

6. The respondent No.3 committee shall endeavour to dispose of the validation proceedings as expeditiously as possible and preferably within nine months. The petitioner shall cooperative in expeditious disposal of the proceedings.

7. Writ petition is disposed of with aforesaid observations. No costs.

(V. K. JADHAV, J.)

(S. V. GANGAPURWALA, J.)

JPC