

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO. 10471 OF 2014

RUSHALI BALAJI CHITALE

VERSUS

THE STATE OF MAHARASHTRA AD OTHERS

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Advocate for Petitioner : Mr. Vibhute Sunil M.

AGP for Respondents-State: Mr. P. N. Mule

Advocate for Respondent No.3 : Mr. K. C. Sant

Advocate for respondent No.4: Mr. A. B. Tele

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**CORAM : S. V. GANGAPURWALA &
V.K. JADHAV, JJ.****DATE : 20th February, 2015****PER COURT :**

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

2. The tribe claim of the petitioner is pending consideration with the committee. The petitioner has been given admission to BDS course in the Respondent No.2 college. The learned counsel for the petitioner submits that the respondent college has directed the petitioner to produce validity certificate and unless the same is produced, the petitioner would not get eligibility and will not be allowed to appear for examination. Mr. Tele, the learned counsel for the committee submits that because of the large pendency of matters, it would take some time to decide as the proposal is received recently.

3. We have heard learned counsel for the respondent Nos. 2 and 3 who submits that in absence of validity being produced, the petitioner cannot be allowed to prosecute his further studies.

4. We have considered the submissions canvassed by the learned counsel for the respective parties.

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.4 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.
- iv. The petitioner shall appear before the committee on 9th March, 2015.

6. Rule is accordingly made absolute. Writ petition disposed of. No costs.

(V.K. JADHAV, J.)

(S. V. GANGAPURWALA, J.)

JPC