

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT

WRIT PETITION NO.1243 OF 2016

Pathan Muddasir Khan Vs. The State of Maharashtra and others.

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
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Mr.S.R.Barlinge, advocate for the Petitioner
 Mr.V.M.Kagane, A.G.P for Respondent Nos.1 and 2.
 Mr.C.A.Jadhav, advocate holding for Mr.Sanjay Bhosale, advocate for Respondent No.3.

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

Date : 09.03.2016.

PER COURT :

1. Heard.
2. Mr.Barlinge, learned counsel states that Respondent No.4 is served through speed post and service affidavit to that effect is filed on record.
3. Mr.Jadhav, learned counsel appears for Respondent No.3.
4. Mr.Barlinge, learned counsel submits that the Respondent No.3 University is not accepting the proposal sent by the College and not issuing the eligibility on the ground that validation proceedings are pending. Mr.Jadhav, learned counsel submits that as validity is not submitted, the University though has received the

proposal from the College has not issued the eligibility certificate and has returned the proposal.

5. We have heard learned A.G.P also.

6. It is not disputed that the petitioner is admitted to the first year MBBS course with the Respondent No.4 College and has completed his first year MBBS course. The proposal sent by the College in respect of the petitioner has been returned back by the University on account of lack of validity certificate. It is not disputed by any of the parties that validation proceedings in respect of the tribe claim of the petitioner as belonging to Tadvi Scheduled Tribe is pending consideration with the Committee. It is for the Committee to decide the said proceedings.

7. Considering the above, we pass the following order :

a) The Respondent No.2 Committee shall decide validation proceedings in respect of the tribe claim of the petitioner expeditiously, preferably within one year. The petitioner shall cooperate in expeditious disposal of the said proceedings.

b) The Respondent Nos.3 and 4 shall not refuse to accept the examination form of the petitioner nor shall refrain the petitioner from prosecuting further studies only on the ground that validation proceedings are pending. The Respondent Nos.3 and 4 can take further course of action in tune with the judgment of the committee in validation proceedings.

c) The Writ Petition stands disposed of with aforesaid observations and directions. No costs.

(A . I . S . CHEEMA, J .)

(S . V . GANGAPURWALA, J .)

Dt.09.03.2016.
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