

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

WRIT PETITION NO. 4050 OF 2016

Khan Sadeque Khan Jawwad Ahmed .. Petitioner

Versus

The State of Maharashtra & Ors. .. Respondents

Mr. S.M. Vibhute, Advocate for the petitioner.

Mr. P.S. Patil, AGP for respondent/State.

Mr. S.B. Bhosale, Advocate for respondent No.3.

**CORAM : A.V.NIRGUDE &
V.L. ACHLIYA, JJ.**

DATED : 06.04.2016

P.C. :-

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

2. The tribe/caste claim of the petitioner is pending consideration with the committee. The petitioner has been given admission to M.B.B.S. Course in respondent-Colleges. 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. The learned counsel for the committee submits that because of the large pendency of matters, it

would take some time to decide the proposals.

4. We have heard learned counsels for the respondents who submit that in absence of validity being produced, the petitioner cannot be allowed to prosecute their further studies.

5. We have considered the submissions canvassed by the learned Counsels for the respective parties.

6. 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 petitioner shall appear before the Committee on 13th June, 2016.

ii) The respondent committee shall make efforts to dispose of the claims of the petitioner on or before 31st December, 2016. The petitioner shall extend full cooperation to the Committee in disposal of their claims.

iii) Till the validation proceedings in respect of tribe claims of the petitioner is decided, the petitioner would not be refrained from prosecuting their studies and appearing for examination. Further steps can be taken in tune with the judgment of the Committee in the

validation proceedings.

iv) Till the validation proceedings are decided, the respondents shall not insist the petitioners 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.

v) However, in case the petitioner does not appear before the Committee on the stipulated date and failed to cooperate with committee in expeditious disposal of their respective claims the reliefs granted in terms of clause (iii) and (iv) shall stand recalled and vacated.

7. Rule is accordingly made absolute in above terms. The writ petition is accordingly disposed of in above terms. No costs. Parties to act on authenticated copy.

[V.L. ACHLIYA, J.]

[A.V.NIRGUDE, J.]