

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

WRIT PETITION NO. 9769 OF 2016

Manisha Vishwanath Arbadwad .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Suhas R. Shirsat, Advocate h/f Shri S. S. Jadhavar,
Advocate for the Petitioner.

Shri M. B. Bharaswadkar, A.G.P. for the Respondent No. 1.

Shri Chandrakant A. Jadhav, Advocate for the Respondent No. 3.

**CORAM : S. V. GANGAPURWALA AND
K. L. WADANE, JJ.**

DATE : 22ND SEPTEMBER, 2016.

PER COURT :

. In fact, the petitioner should not have been driven to file present writ petition. The petitioner had earlier filed Writ Petition No. 8209 of 2014. This Court vide order dated 19.12.2014 had disposed of said writ petition by passing following order.

"a) The Committee shall decide the 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. The respondents shall not

refrain the petitioner from prosecuting the studies and appearing for examination only on the ground that validation proceedings are pending. The respondents can take appropriate action/decision after the validation proceedings are decided in tune with the judgment of the Scrutiny Committee."

2. The aforesaid order is abundantly clear. It states that, the respondents shall not refrain the petitioner from prosecuting the studies and appearing for examination only on the ground that validation proceedings are pending.

3. As such till the validation proceedings are pending, the respondents could not have prevented the petitioner from appearing for the examination only on the ground of pendency of validation proceedings. The respondents certainly could have taken action as per the decision of the Scrutiny Committee or if the petitioner does not qualify with other eligibility, but ought not have refused to accept the examination form only on the ground that validation proceedings is pending.

4. In the light of the above, the respondents shall not refuse to accept the examination form of the petitioner only on the ground that validation proceedings is pending. They can take further action depending upon the judgment of the Committee in the validation proceedings. The writ petition as such is disposed of.

No costs.

5. The parties to act on authenticate copy.

[K. L. WADANE, J.]

[S. V. GANGAPURWALA, J.]

bsb/Sept. 16