

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

955 WRIT PETITION NO. 9814 OF 2016

ASHVINI DEVIDAS PAWAR
VERSUS
DIRECTOR OF MEDICAL EDUCATION MAHARASHTRA STATE MUMBAI
AND OTHERS

...

Advocate for Petitioner : Mr. D. B. Shinde h/for Mr.
Deshmukh Mahesh S.

AGP for Respondents State: Mr. V. H. Dighe
Advocate for Respondent No.2 : Mr. C. A. Jadhav

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

DATE : 23rd September, 2016

ORDER:

1. Heard learned counsel for the petitioner.
2. Issue notice to the respondents. Learned AGP waives notice for respondent Nos. 1, 3 and 4. Mr. Jadhav, learned counsel waves notice for respondent No.2.
3. Learned counsel for the petitioner states that the petitioner has been admitted to the MBBS Course. He is taking education of 3rd Year MBBS course. However, his examination form is not being accepted on the ground that caste validity certificate is not yet given. The learned counsel submits that the validity proceedings are pending and this court, in Writ Petition bearing No. 2797/2014 vide order dated

12.08.2014, had directed the Committee to decide the proceeding within one year.

4. Learned AGP and learned counsel Mr.Jadhav submit that as the validity certificate is not yet submitted and the petitioner has been admitted from reserved category, the action is rightly taken by the respondents.

5. To get the proceedings decided within a stipulated period is not in the hands of the litigants. This Court has already directed the Committee to decide the proceeding within one year. The said period has lapsed, however the proceeding is not yet decided.

6. Considering the above, we pass following order:

The respondents shall not refuse to accept the examination form of the petitioner only on the ground that the caste validation proceeding in respect of caste claim of the petitioner is pending. Of course, they can take further course of action in tune with the judgment that would be delivered by the Committee in the validation proceeding.

7. Writ petition is accordingly disposed of. No costs.

(K. L. WADANE, J.)

(S. V. GANGAPURWALA, J.)

JPC