

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

WRIT PETITION NO.3725 OF 2017

Alfiyanaaz @ Alfiya D/o
Yusufkhan Pathan. ... Petitioner.

Versus

The State of Maharashtra
and others. ... Respondents.

...

Mr.A.D.Aghav, advocate for the petitioner.
Mr.R.B.Bagul, A.G.P. for the State.

...

**CORAM : S.V.GANGAPURWALA AND
SANGITRAO S. PATIL, JJ.**

Date : 21.3.2017.

PER COURT :

1. Heard.

2. Learned counsel for petitioner states that the validation proceedings in respect of the tribe claim of the petitioner is pending with the Committee. This Court on 3.12.2015 in

W.P.No.9548/2015 had directed the Committee to decide the validation proceedings within one year. The same is not yet decided.

3. The Respondent Nos.3 and 4 are insisting for validity certificate and are not allowing the petitioner from appearing in the examination.

4. Learned A.G.P. for Respondent Nos.1 and 2 submits that the Committee has referred the matter to the Vigilance and the validation proceedings would be decided expeditiously.

5. This Court under order dated 3.12.2015, in W.P.No.9548/2015 had directed the Respondent Nos.3 and 4 herein that no coercive action shall be taken against the petitioner untill the decision by the Committee. The said order is still in force. It was not necessary to file fresh petition and/or Respondent Nos.3 and 4 also could not have taken any further action till the validation proceedings are decided. The Respondent Nos.3 and 4 shall not prevent the

petitioner from appearing for the examination and conducting further studies only on the ground that validation proceedings are pending. The Respondent Nos.3 and 4 can take further course of action depending upon the judgment that would be delivered by the Committee in validation proceedings.

6. The petitioner shall give an undertaking that in case his caste claim is invalidated, he will pay full fees as applicable to the open category candidate. Till validation proceedings are decided, Respondent Nos.3 and 4 shall not insist for the full fees upon undertaking being given by the petitioner as aforesaid.

7. The Writ Petition is disposed of. No costs.

(SANGITRAO S. PATIL, J.)

(S.V.GANGAPURWALA, J.)

