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

**WRIT PETITION NO. 8246 OF 2015
WITH CA/9311/2017 IN WP/8246/2015**

**ANIKET DIGAMBAR AKOLWAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

**...
Advocate for Petitioner : Koralkar Arun H.
AGP for Respondents: Mr.D.R.Kale for R.1 & 3
Adv.Mr.D.J.Choudhari for R.4.
...**

**CORAM : S.C.DHARMADHIKARI &
MANGESH S. PATIL,JJ.**

DATE : 14/07/2017

PER COURT :-

1] This is a Petition of 2015 and a direction is sought to the respondents essentially to permit the petitioner to join Pharmacy course from Scheduled Tribe category and pursuant to his studies till disposal of the proceeding before the scrutiny committee, a direction is also sought to the committee to decide the matter expeditiously.

2] The petitioner secured admission against a reserved seat. He was admitted and his tribe certificate, copy of which is Annex."A", was forwarded for verification on 22/5/2014 alongwith necessary documents through the 4th respondent-College at Beed.

3] The petitioner submits that the scrutiny is still pending. In the meanwhile he has completed second year of Pharmacy course.

4] In the Civil Application filed so as to bring on record subsequent developments, it is stated that relying upon the order passed by this Court in this Writ Petition the petitioner is allowed to prosecute his studies. During the pendency of this petition, he appeared for final examination of the diploma of Pharmacy course held in April 2017 but his results have not been declared as yet. Even scrutiny is still pending before the committee.

5] In the circumstances, we proceed to pass the following order :

I] Rule. Respondents waive service.

II] Pending hearing and final disposal of the proceeding before the scrutiny committee, the petitioner's result be declared and mark sheet and diploma certificate be handed over to him but all this is subject to the final orders of the scrutiny committee. The scrutiny committee is directed to dispose of the proceedings as expeditiously as possible and within a period of six months from the date of receipt of copy of this order. The petitioner's appearances in examinations till date for the diploma in Pharmacy course and obtaining of diploma certificate shall be subject to the verification of the claim by scrutiny committee. In the event the claim is rejected, all consequences in law shall follow.

III] Needless to clarify that in the event the petitioner is successful in obtaining admission to the B-Pharmacy degree course and if is otherwise meritorious and admitted to the said course against the reserved seat his admission shall be treated as provisional and subject to the outcome of the proceeding before the committee.

IV] Once the above directions are issued, both sides agree that nothing survives in the Writ Petition and it is disposed of.

V] We clarify that we have not expressed any opinion on the merits of the petitioner's claim. This order is passed only because the scrutiny committee has yet to finally dispose of the pending proceedings.

(MANGESH S. PATIL,J.)

(S.C.DHARMADHIKARI,J.)

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