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

WRIT PETITION NO. 10947 OF 2017

**ASHWINI NANDKISHOR SALUNKE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Advocate for Petitioners : Barlinge S.R.
AGP for Respondents State: Mr.P.S.Patil
Adv.Mr.S.B.Bhosale for R.3.**

CORAM : S.V.GANGAPURWALA &
MANGESH S. PATIL,JJ.**

DATE : 08/09/2017

PER COURT :-

The learned counsel for petitioner seeks leave to delete respondent no.4. Leave granted. Notice to respondents. Learned AGP waives service for respondents 1 and 2 and Mr.Bhosale, Adv. waives service for respondent no.3.

2] The learned counsel submits that validation proceeding in respect of tribe claim of the petitioner is pending with the respondent no.2 committee since 2014. The same is not yet decided. Result of the petitioner's first year B.D.S. Examination is withheld.

3] We have heard learned AGP and Mr.Bhosale, learned counsel for respondent no.3.

4] To get the proceeding decided within a stipulated period, is not in the hands of the litigant. The petitioner's result of first year B.D.S. Examination is withheld for non submission of validity certificate. The said course is of 4½ years. The question of validity would arise at the time of issuance of degree.

5] As it is a question of the result of first year, there would be no impediment for the respondent no.3, to declare the result.

6] Considering the above, we pass following order :

I] Respondent no.2 committee shall decide validation proceeding in respect of the tribe claim of the petitioner expeditiously, preferably within nine months. Petitioner shall cooperate in expeditious disposal of the said proceeding.

II] The respondent no.3 shall not withhold the result of the petitioner's first year B.D.S. Examination only on

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the ground that validation proceedings are pending. In case the petitioner is otherwise eligible, the petitioner be allowed to prosecute her second year studies.

III] Writ Petition accordingly disposed of. No costs.

(MANGESH S. PATIL,J.)

(S.V.GANGAPURWALA,J.)

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