

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

WRIT PETITION NO. 10575 OF 2016

Shaikh Mohd. Ismail S/o Mohd.
Iqubal, Age : Minor Occu. : Student,
Through his natural guardian father,
Shaikh Iqubal S/o Mohd. Hanif,
Age : 44 Years, Occu. : Service,
R/o Plot No. 69, N-13-A, CIDCO,
Himayat Bagh, Aurangabad,
Dist. Aurangabad.

.. Petitioner

Versus

1. The State of Maharashtra,
Department of Tribal Development,
Mantralaya, Mumbai - 32,
Through its Secretary.
 2. The Scheduled Tribe Caste Certificate
Scrutiny Committee, Aurangabad
Division, Aurangabad,
Through its Member Secretary.
 3. Government College of Pharmacy,
Opp. Govt. Polytechnic, Osmanpura,
Aurangabad,
Through its Principal.
 4. The Director of Technical Education,
Maharashtra State, Mumbai.
- .. Respondents

Shri Madhur A. Golegaonkar, Advocate for the Petitioner.
Shri P. S. Patil, Addl.G.P. for Respondent Nos. 1 to 4.

WITH
WRIT PETITION NO. 10650 OF 2016

Shaikh Fazlur Rahman S/o Mohd.
Ashfaque, Age : Minor Occu. : Student,
Through his natural guardian father,
Mohd. Ashfaque S/o Mohd. Hanif,
Age : 50 Years, Occu. : Service,
R/o Darga Bes Lane, Police Station Road,
Vaijapur, Dist. Aurangabad. .. Petitioner

Versus

1. The State of Maharashtra,
Department of Tribal Development,
Mantralaya, Mumbai - 32,
Through its Secretary.
2. The Scheduled Tribe Caste Certificate
Scrutiny Committee, Aurangabad
Division, Aurangabad,
Through its Member Secretary.
3. MGM College of Engineering & Technology
Plot No. 1 & 2, Sector - 18, Kamothe,
Navi Mumbai - 410209
Through its Principal.
4. Mumbai University,
Through its Registrar. .. Respondents

Shri Madhur A. Golegaonkar, Advocate for the Petitioner.
Shri P. S. Patil, Addl.G.P. for Respondent Nos. 1 and 2.
Shri Avinash R. Borulkar, Advocate for the Respondent No. 4.

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

DATE : 19TH JANUARY, 2017.

ORAL JUDGMENT (*Per S. V. Gangapurwala, J.*) :-

. Rule. Rule made returnable forthwith. With the consent of parties, taken up for final hearing.

2. The respondent No. 3/college in both the matters has issued notice to the petitioner for production of validity certificate or else adverse action would be taken.

3. We have heard the Mr. Golegaonkar, the learned counsel for petitioners. He submits that, validation proceedings in respect of caste claim of petitioners are pending with the Respondent No. 2/Committee. The same are yet not decided.

4. Mr. Patil, the learned Additional Government Pleader on instructions submits that, the Committee would decide the validation proceedings expeditiously.

5. Mr. Borulkar, the learned counsel appearing for the respondent No. 4 in Writ Petition No. 10650 of 2016 submits that, the petitioner is required to submit the validity as he has been admitted from the reserved category.

6. To get the proceedings decided within a stipulated period is

not in the hands of a litigant. Of course, the litigant has to cooperate in expeditious disposal of the proceedings.

7. Considering the fact that, the validation proceedings are still pending, we pass following order.

8. The Respondent No. 2/Committee shall decide the validation proceedings in respect of the tribe claim of the petitioner expeditiously and preferably within a period of nine (09) months from today. The petitioners shall cooperate in expeditious disposal of the proceedings. Till the validation proceedings are decided, the respondent No. 3/college and university shall not take any adverse action against the petitioners, nor shall refrain the petitioners from prosecuting further studies only on the ground that validation proceedings are pending. Of course, the respondent college and university shall take further course of action in tune with the judgment and order passed in the validation proceedings.

Rule accordingly is made absolute in above terms. No costs.

Sd/-

[K. L. WADANE, J.]

Sd/-

[S. V. GANGAPURWALA, J.]