

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

WRIT PETITION NO. 2167 OF 2018

Rupali Balaji Chitale and another .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Shri Sunil M. Vibhute, Advocate for Petitioners.

Mrs. A. V. Gondhalekar, Addl.G.P. for Respondent Nos. 1 and 2.

Shri S. G. Karlekar, Advocate for the Respondent No. 4.

**CORAM : S. V. GANGAPURWALA AND
A. M. DHAVAL, JJ.**

DATE : 22ND FEBRUARY, 2018.

FINAL ORDER :

. The petitioner assails the letter dated 04.01.2018 issued by the college.

2. The learned Additional Government Pleader waives notice for respondent Nos. 1 and 2. Mr. Karlekar, the learned advocate waives notice for the respondent No. 4.

3. In fact in Writ Petition No. 10471 of 2014 on 20th February, 2015, we had passed following order.

5. To get the proceedings decided within stipulated period is not in the hands of litigant. The learned counsel for the committee states that it would take some time to decide the proceedings. In the light of above, we pass following order.

- i. The respondent No.4 committee shall decide the validation proceedings in respect of tribe claim of the petitioner expeditiously and preferably within one year. The petitioner shall cooperate in expeditious disposal of the proceedings.
- ii. Till the validation proceeding in respect of the tribe claim of the petitioner is decided, the petitioner would not be refrained from prosecuting his studies and appearing for examination. Further steps can be taken in tune with the judgment of the committee in the validation proceedings.
- iii. Till the validation proceedings are decided, the respondents shall not insist the petitioner for payment of fees as applicable to the candidates from open category, however, the same shall be subject to the decision of the committee in the validation proceedings.
- iv. The petitioner shall appear before the committee on 9th March, 2015.

4. Under the said order, we had directed the Committee to decide the proceeding within a period of one year. It is submitted that, the proceeding is not yet decided. Under the said order, the respondents were refrained from insisting for payment of fees as

applicable to the candidates from open category. The said order is still in force. Till the validation proceedings are decided, the respondent/college could not have asked for the fees. That would amount to contempt of the orders passed by this Court.

2. The respondents shall abide by the order passed by this Court on 20th February, 2015 in Writ Petition No. 10471 of 2014. The Committee ought to have decided the validation proceeding by now, however, we extend the time by further period of three (03) months from today for deciding the validation proceeding. The Committee shall scrupulously adhere to the time stipulation given by this Court. The petitioner shall appear before the Committee on 07.03.2018. The writ petition is accordingly disposed of. No costs.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]