

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

WRIT PETITION NO. 2428 OF 2018

Ku. Yogeshwari d/o Jagjivan Sudewad ... Petitioner

VERSUS

The State of Maharashtra & Ors. ... Respondents

.....
Mr Omgashad B. Boinwad, Advocate for the petitioner
Mr P. S. Patil, AGP for respondent/State
Mr S. B. Bhosale, Advocate for respondent No. 2
.....

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

DATE : 05TH MARCH, 2018.

ORDER:

1. Learned Assistant Government Pleader accepts notice for respondents No. 1, 3 and 4. Shri. S. B. Bhosale, learned counsel waives service of notice for respondent No. 2.

2. This Court in Writ Petition No. 11587 of 2015 had directed the Committee to decide the validation proceeding within one year and restrain the respondent No. 2 and 3 therein from taking any adverse action against the petitioner only on the ground of his failure to submit validation certificate. The University was also directed to

permit the petitioner to appear for the examination.

3. Now the present petition is filed on the ground that the Committee has not yet decided the validation proceeding and the respondents had withheld the result of the petitioner's examination.

4. When already an order subsists in respect of the same parties, the respondents No. 2 and 3 ought not to have withheld the result of the petitioner's examination only on the ground that the validation proceeding is pending.

5. The learned Assistant Government Pleader, on instructions, submits that the matter is referred to the vigilance.

6. As per the orders of this Court dt. 15.12.2015 passed in Writ Petition No. 11587 of 2015, the Committee ought to have decided the proceeding by December - 2016.

7. The Committee shall decide the validation proceeding within five months from the date of appearance of the petitioner. The petitioner shall appear before the Committee on 19.03.2018. The respondents No. 2 and 3 shall not withhold the result of the

petitioner's examination only on the ground that the validation proceeding is pending nor shall refrain the petitioner from prosecuting his studies in the next year if the petitioner is otherwise eligible only on the ground that the validation proceeding is pending. However, petitioner shall not be issued Degree certificate unless and until the validity certificate is produced.

8. Writ Petition is accordingly disposed of. No costs.

[A. M. DHAVAL]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

Punde