

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

WRIT PETITION NO. 2761 OF 2018

Harish S/o Nagnathrao Emulwad

... Petitioner

VERSUS

The State of Maharashtra & Ors.

... Respondents

.....
Mr Sunil M. Vibhute, Advocate for the petitioner
Mr P. S. Patil, AGP for respondent/State
Mr Patil, Advocate for respondent No. 3
.....

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

DATE : 14TH MARCH, 2018.

ORDER:

1. Issue notice to the respondents. Learned Assistant Government Pleader waives service of notice for respondents No. 1, 4, 5 and 6. Mr Patil, learned counsel accepts notice for respondent No. 3.

2. It is submitted that the validation proceeding is pending since the year 2011. The petitioner has appeared for Second MBBS Winter-2017 examination but the result of the same is withheld. Even the respondents are demanding full fees.

3. Considering the above, we pass the following order.

ORDER

- (i) The respondent No. 4 - Committee shall decide the validation proceeding in respect of the tribe claim of the petitioner within six months from the date of appearance of the petitioner.
- (ii) The petitioner shall appear before the Committee on 26.03.2018.
- (iii) The petitioner shall cooperate in expeditious disposal of the proceeding.
- (iv) The respondents No. 2, 3, 5 & 6 shall not demand the full fees from the petitioner only on the ground that the validation proceeding is pending.
- (v) 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 and if the

petitioner is otherwise eligible, he shall not be refrained from prosecuting the study of the next year.

- (vi) The respondents can take further course of action depending upon the judgment that would be delivered by the Committee in the validation proceeding.

4. The writ petition is, accordingly, disposed of. No costs.

[A. M. DHAVALA]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

Punde