

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

WRIT PETITION NO. 3091 OF 2018

ALFIYANAAZ @ ALFIYA YUSUFKHAN PATHAN
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. Avinash D. Aghav
AGP for Respondents No.1 and 2 : Mr. K. N. Lokhande
Advocate for Respondent No.3 : Mr. S. V. Mundhe
...

**CORAM : S.S. SHINDE AND
K.K. SONAWANE, JJ.**

DATED : 5th DECEMBER, 2018

Order :-

Heard learned counsel appearing for parties. Learned Assistant Government Pleader, on instructions received from officials of respondent No.2 submits that, already hearing in the matter before the respondent No.2 - Scrutiny Committee is completed and matter is reserved for pronouncement of the decision. He further submits that, within *fifteen* (15) days, respondent No.2 Scrutiny Committee may take final decision on the tribe claim of the petitioner.

2. Learned counsel appearing for petitioner submits that, respondent No.4 - College is refusing to give admission to the petitioner in Fourth Year B.D.S. Course. Since learned AGP has made statement, on instructions, received from the officials of respondent No. 2 that said respondent will decide the tribe claim of the petitioner within two (2) weeks, nothing further survives for consideration in this writ petition. However, respondent No. 4 - College may consider the

request of petitioner to give him admission for Fourth Year B.D.S. Course.

3. In case of refusal of giving admission by respondent No.4 to the petitioner to Fourth Year B.D.S. Course on the ground of non-submission of tribe validity certificate; In that case, we direct respondent No.4 to give provisional admission to the petitioner for Fourth Year B.D.S. Course, without insisting for submission of the Tribe Validation Certificate, however, subject to outcome of decision by respondent No.2 – Scrutiny Committee on tribe claim of petitioner. The petitioner will not claim equities on the basis of this order passed in case tribe claim of the petitioner is invalidated by respondent No.2 – Scrutiny Committee. We make it clear that, the petitioner is not exempted from completing other routine formalities necessary to take admission for Fourth Year B.D.S. Course.

4. With the above observations, Writ Petition stands disposed of.

5. Parties to act upon the authenticated copy of this order.

[K. K. SONAWANE, J.]

[S. S. SHINDE, J.]

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