

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.14118 of 2018

Abhijit Sanjaykumar Kamale .. Petitioner
Versus
State of Maharashtra and ors .. Respondents

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Ms.Komal Gaikwad i/b R.K. Mendadkar for the petitioner.
Mr.V.M. Mali, AGP for the State.

**CORAM: S.C. DHARMADHIKARI &
SMT. BHARATI H.DANGRE, JJ.**

DATED : 12th DECEMBER, 2018

P.C:-

1 The Petition is filed by Shri Abhijit Sanjaykumar Kamale. It was circulated for admission on 11th December 2018.

2 An Innocuous submission was made that the petitioner has no control over the proceedings before the Caste Scrutiny Committee and during the pendency of the proceedings before the Scrutiny Committee at Pune, the fourth respondent College has not allowed the petitioner to continue the studies. Now, before the cut-off date, the validity certificate

could not be produced. Hence, the Institution - Respondent no.4 has cancelled the admission by the communication dated 22nd October 2018. The academic year is 2018-19.

3 Merely because the claim is pending before the Scrutiny Committee and we are directing the Committee to expedite the proceedings would not enable us to restore the admission. The admission has been cancelled on 22nd October 2018 and that cancellation has come into effect. This writ petition is filed in this Court on 30th October 2018 but circulated for admission only on 10th December 2018.

4 We have found from a perusal of the original record and which we called for to satisfy ourselves as to whether the petitioner was present and cooperating with the Committee in expeditious disposal of his claim, that the petitioner was buying time and was trying to achieve indirectly what he could not achieve directly. In other words, the certificate of validity was granted to the petitioner's cousin from paternal side Shamal Suryakant Kamale. The petitioner pointed out that Shamal's claim was invalidated and he filed a petition in this Court being Writ Petition No.8394 of 2018.

5 Mr.Mali, learned AGP however submits that this writ petition was dismissed by this Court on 3rd August 2018 and which dismissal stands upheld right upto the Hon'ble

Supreme Court and in review as well. Therefore, the petitioner's attempt to seek adjournments and to obtain the benefit flowing out of Shamal's proceedings, disentitles him from any equitable and discretionary relief of restoration of admission.

6 All that we can do in this petition and direct is that the Committee should expedite the proceedings and conclude the same by 23rd January 2019.

7 In the event the petitioner does not co-operate and attend the proceedings before the Committee on the scheduled dates or time, the Committee can proceed ex-parte.

8 Writ Petition is disposed of by clarifying that we have not expressed any opinion on the rival contentions.

9 The records be returned to Shri Mali forthwith.

(SMT. BHARATI H. DANGRE, J.) (S.C. DHARMADHIKARI, J.)