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

**CIVIL APPLICATION NO.1454 OF 2019
IN
WRIT PETITION NO. 9592 OF 2015**

MIMER'S MEDIAL COLLEGE
Talegaon Dabhade, Tq.Maval,
Dist.Pune
Through its Principal

..APPLICANT

VERSUS

Amol Kishan Badewad & Ors.

..RESPONDENTS

Mr Parag Barde, Advocate for applicant;
Smt Geeta L. Deshpande, A.G.P. for respondent/State;
Mr S.M.Vibhute, Advocate for respondent No.1;
Ms S.R.Awad, Advocate h/f Mr Anandsingh Bayas, Advocate for
respondent No.3

**CORAM : PRASANNA B. VARALE
AND
R.G. AVACHAT, JJ.**

DATE : 7th June, 2019

ORAL ORDER:

Heard Mr Barde, learned Counsel for the applicant.

2. Issue notice to the respondents, returnable forthwith.
3. Heard Mr Vibhute, learned Counsel appearing for respondent No.1- original petitioner, learned A.G.P. for respondent Nos. 2, 4 and

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and Ms. S.R.Awad, learned Counsel appearing for respondent No.3 – Health University.

4. The applicant Education institute i.e Medical College and respondent No.1 in the Writ Petition 9592 of 2015 approaching this Court by present application with a prayer of seeking modification of order of this Court dated 3rd December, 2015 in Writ Petition No. 9295 of 2015.

5. The only submission advanced before us on behalf of applicant through Mr Barde, learned Counsel is, delay in the deciding the claim by the scrutiny committee is causing hardship to the applicant institute in recovering education fess from respondent No.1. Perusal of the order dated 3rd December, 2015 shows that on the statement made before this Court by the respondent-committee, the Division Bench directed the committee to take a decision on the claim of the petitioner within stipulated period of one year from date of order. Petitioner who was already admitted to the M.B.B.S. Course, his academic career was protected till decision of the committee.

6. Mr Vibhute, learned Counsel for petitioner submitted that due to incorrect nomenclature of the caste of the petitioner, he was required to approach this Court seeking certain directions for issuance

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of fresh certificate. The petitioner submitted fresh certificate received by him to the scrutiny committee for validation of the claim.

7. Learned A.G.P. appearing for respondent Nos. 2, 4 and 5 submitted that the committee would decide the claim of the petitioner as early as possible.

8. In view of this fact- situation, we see no reason to entertain the application seeking modification of order of the Division Bench dated 3rd December, 2015. It is not in dispute that on decision of the scrutiny committee, the parties are at liberty to take appropriate steps as available under the provisions of law or rules operating the field.

9. Considering the fact that there is already directions to the committee by Division Bench on 3rd December, 2015, we expect that the committee would decide the claim as expeditiously as possible and not later than three months from today. With these directions, the application is disposed of.

(R.G. AVACHAT, J.)

(PRASANNA B. VARALE, J.)

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