

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

WRIT PETITION NO.1695 OF 2019

**GURAV CHANDRAKANT SONAWANE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr. B.S.Warma, Advocate for the petitioner
Mr. V.S.Badakh, AGP for the respondent/State
Mr. K.C. Sant, Advocate for respondent No.2.

**CORAM : PRASANNA B. VARALE &
S.M.GAVHANE, JJ.**

DATED : 06.02.2019

P.C. :-

1. Heard learned counsel for the petitioner.
2. Learned counsel for the petitioner seeks leave to add Scrutiny Committee as a party respondent. Leave is granted. We permit the petitioner to add the Scrutiny Committee as party respondent to the petition. Amendment be carried out forthwith.
3. The petitioner is a student prosecuting his studies in the Medical course, namely, MBBS in respondent No.3-Dr. Vasantrao Pawar Medical College. The sequence of events prompted us to observe that the petitioner who is before us with a prayer for issuance of directions to respondent Nos.2 and 3 to declare the result of the petitioner for Final Year of MBBS course was unfortunately placed in such a situation wherein he had to approach to this Court, practically every year seeking the directions to declare the results and permit

the petitioner to prosecute his studies in the course. This only shows the snails space adopted by the Scrutiny Committee in deciding the claims and then driving the students to approach this Court time and again instead of concentrating in their academic course or pursue their studies. The petitioner approached this Court in the year 2014, as his preference form was not accepted and he was desirous of securing admission from amongst the reserved category. By way of an interim order dated June 20, 2014, the Division Bench directed respondent No.2 to accept the preference form of the petitioner and permit him to secure admission. By order dated 02.09.2014 the Division Bench observed that the admission form of the petitioner was accepted and petitioner was successful in securing admission to First Year MBBS Course. In the very order dated 02.09.2014 this Court by referring to the fact that the claim is pending before the Committee for validation, directed the Scrutiny Committee to decide the proposal expeditiously. Thereafter the petitioner to show his bonafides, namely, that the petitioner was ready to cooperate the Scrutiny Committee in early decision and appeared before the Committee on 21.03.2017 and a certificate issued to that effect is also placed on record at Exh.'G'. In year 2015 the petitioner had to approach this Court as his result was not declared on the ground that the petitioner failed to submit Tribe validity certificate.

4. Considering this very fact the Division Bench by order dated 01.09.2015 directed respondent No.3 to

declare the result of the petitioner for First Year MBBS course without insisting for submission of Tribe validity certificate subject to fulfillment of the other conditions, if any. Petition was accordingly disposed of.

5. Again the petitioner had to approach this Court in year 2018 with a similar prayer. By order dated 28.02.2018 in Writ Petition No.1892 of 2018, the Division Bench directed respondent No.2-University to declare result of the petitioner of 3rd year MBBS examination forthwith and then further directed the University to permit the petitioner to appear for the next examination. With these directions the petition was disposed of and this difficulty was not only faced by the petitioner alone but his cousin sister Miss. Komal Naresh Sonawane also had to face the same difficulties.

6. Learned counsel for the petitioner invited our attention to the document placed on record at Exh.'H'. Perusal of this document show that though the petitioner successfully completed his 3rd year of MBBS course, the statement of marks shows that the result of the petitioner is withheld and it reads "Withheld Hon. Court Ruling Awaited". We failed to understand that when petition No.1892 of 2018 was disposed of directing the University to permit the petitioner to appear for the next examination what prompted the University to refer in the marks statement that 'Court Ruling is Awaited'. Learned counsel for the petitioner submitted that this remark in the marks statement would prevent the

petitioner from undertaking the further course in his academic career. Learned counsel submitted that as the petitioner has completed his MBBS course successfully and would be entitled for internship. The remarks in the marks statement may create hurdle in pursuing the further course of academic.

7. Learned counsel was justified in submitting before us that this remark would cause a serious prejudice to the petitioner that to on the backdrop of the fact that the Division Bench of this Court directed the Scrutiny Committee in year 2015 itself to decide the claim expeditiously and in spite of this, the Committee seeking idle over the claim for long three years leading the petitioner to run from pillar to post.

8. Thus, the learned counsel for the petitioner made out a case. Accordingly the petition is disposed of at the admission stage with direction to respondent Nos. 2 and 3 to declare the result of the petitioner of the final MBBS course and permit the petitioner to undertake the further course in his academic career without insisting for the validity certificate subject to the petitioner fulfilling other conditions or criteria. We further direct the added respondent-Scrutiny Committee to decide the claim as expeditiously as possible and not later than 12 weeks from the date of order of this Court.

9. Learned AGP appearing for the respondent-authorities No.1 and the added respondent No.4 to

communicate the order of this Court forthwith.

10. Parties to act upon authenticated copy of the order of this Court.

[S.M.GAVHANE, J.]

[PRASANNA B. VARALE, J.]