

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

WRIT PETITION NO.2013 OF 2019

**PATHAN MUSAVEER KHAN BAKTIYAR KHAN
VERSUS
MAHARASHTRA UNIVERSITY OF HEALTH SCIENCE NASHIK THROUGH
REGISTRAR AND OTHERS**

Mr. S.S.Phatale, Advocate for the petitioner
Mr. V.S. Badakh, AGP for the respondent/State
Mr. S.B. Bhosale, Advocate for respondent No.1.

WITH

WRIT PETITION NO.2014 OF 2019

**PATHAN MUDDASIR KHAN MUKHTAR KHAN
VERSUS
MAHARASHTRA UNIVERSITY OF HEALTH SCIENCE NATHIK AND
OTHERS**

Mr. S.S.Phatale, Advocate for the petitioner
Mr. S.S. Dande, AGP for the respondent/State
Mr. S.B. Bhosale, Advocate for respondent No.1.

WITH

WRIT PETITION NO.2020 OF 2019

**SWATI MOHAN GHAINWAD
VERSUS
MAHARASHTRA UNIVERSITY OF HEALTH SCIENCE NASHIK AND
OTHERS**

Mr. S.S. Phatale, Advocate for the petitioner
Mr. S.S. Dande, AGP for the respondent/State
Mr. S.B.Bhosale, Advocate for respondent No.1.

WITH

WRIT PETITION NO.2021 OF 2019

**SHITAL SUBHASH MALU
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr. S.M. Vibhute, Advocate for the petitioner
Mrs. R.P. Gour, AGP for the respondent/State
Mr. S. S. Gangakhedkar, Advocate for respondent No.3.

WITH

WRIT PETITION NO.2022 OF 2019

**GAJANAN SHIVAJI SIDDAMWAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr. S.M. Vibhute, Advocate for the petitioner
Mr. K.N. Lokhande, AGP for the respondent/State
Mr. Dhananjay Deshpande, Advocate for respondent No.3.

WITH

WRIT PETITION NO.2023 OF 2019

**KETKI SATYAWAN THAKUR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr. S.M.Vibhute, Advocate for the petitioner
Mr. V.S. Badakh, AGP for the respondent/State
Mr. Shrikant Patil, Advocate for respondent No.3.

WITH

WRIT PETITION NO.2024 OF 2019

**ANJUSHRI ASHOK BHOSALE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr. S.M. Vibhute, Advocate for the petitioner
Mr. S.S. Dande, AGP for the respondent/State
Mr. Bayas Anand Singh, Advocate for respondent No.3.

WITH

WRIT PETITION NO.2025 OF 2019

**NIKETAN SURESH KOMATWAR THROUGH FATHER SURESH RAMCHANDRA
KOMATWAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr. S.M.Vibhute, Advocate for the petitioner
Mr. A.R. Kale, AGP for the respondent/State
Mr. S.B. Pulkundwar, Advocate for respondent No.3.

WITH

WRIT PETITION NO.2031 OF 2019

RANI UTTAMRAO BODKHE

VERSUS

**MAHARASHTRA UNIVERSITY OF HEALTH SCIENCE NASHIK THROUGH
REGISTRAR AND OTEHRS**

Mr. S.S.Phatale, Advocate for the petitioner
Mr. K.N.Lokhande, AGP for the respondent/State
Mr. S.B.Bhosale, Advocate for respondent No.1.

WITH

WRIT PETITION NO.2037 OF 2019

UMESH MADHAVRAO ADBALWAD

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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

WITH

WRIT PETITION NO.2038 OF 2019

ASHWINI GANGADHAR BHANDEWAD

VERSUS

**MAHARASHTRA UNIVERSITY OF HEALTH SCIENCE NASHIK AND
OTHERS**

Mr. S.S. Phatale, Advocate for the petitioner
Mrs. R.P. Gour, AGP for the respondent/State
Mr. S.B. Bhosale, Advocate for respondent No.1.

WITH

WRIT PETITION NO.2041 OF 2019

**NARAYAN DIGAMBAR KASALWAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr. P.V. Jadhavar, Advocate for the petitioner
Mr. K.N. Lokhande, AGP for the respondent/State
Mr. K.M. Suryawanshi, Advocate for respondent No.4.

WITH

WRIT PETITION NO.2042 OF 2019

**VIVEK SAYANNA AADPOD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr. P.V.Jadhavar, Advocate for the petitioner
Mr. V.S. Badakh, AGP for the respondent/State
Mr. S.D. Joshi, Advocate for respondent No.4.

WITH

WRIT PETITION NO.2043 OF 2019

**SACHIN PRAKASH ANNAMWAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr. P.V.Jadhavar, Advocate for the petitioner
Mr. S.S. Dande, AGP for the respondent/State

WITH

WRIT PETITION NO.2157 OF 2019

**NISHA VENKATRAO GAWARWAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr. S.M.Vibhute, Advocate for the petitioner
Mrs. R.P. Gour, AGP for the respondent/State
Mr. S.S. Gangakhedkar, Advocate for respondent No.3.

WITH
WRIT PETITION NO.2166 OF 2019

SNEHA PRAKASH AINLAWAR
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS

Mr. S.M. Vibhute, Advocate for the petitioner
Mr. S.S. Dande, AGP for the respondent/State
Mr. S.B. Bhosale, Advocate for respondent No.1.

WITH
WRIT PETITION NO.2167 OF 2019

SAMPADA SUNIL NAGAMWAD
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS

Mr. S.M. Vibhute, Advocate for the petitioner
Mrs. R.P. Gour, AGP for the respondent/State
Mr. Bayas Anand Singh, Advocate for respondent No.3.

WITH
WRIT PETITION NO.2174 OF 2019

SHRINIVAS DHONDIBA WAGHMOD
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS

Mr. E.S. Murge, Advocate for the petitioner
Mr. K.N. Lokhande, AGP for the respondent/State
Mr. J.R. Patil, Advocate for respondent No.3.

WITH
WRIT PETITION NO.2176 OF 2019

AKASH KEDAR DUDHAMBE
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS

Mr. P.V. Jadhavar, Advocate for the petitioner
Mrs. M.A. Deshpande, AGP for the respondent/State

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

DATED : 14.02.2019

P.C. :-

1. Heard learned counsel for the petitioner.
2. All these petitions are challenging the declaration of result by way of statement of marks through the respondent-University i.e. Maharashtra University of Health Science, Nashik (herein after referred to as the "University" for sake of brevity) referring to the caption result 'Withheld Hon. Court Ruling Awaited'. The petitioners are prosecuting their studies in medical course and other courses etc. The petitioners in their earlier round of litigation approached this Court on the ground that the claim for validation is pending before the Competent Scrutiny Committee and the respondent-College and the University may not take adverse action against the petitioners and permit the petitioners to prosecute their further studies subject to decision of the Committee. The petition were disposed by the order of the Division Bench. The Division Bench while disposing the petition directed the Scrutiny Committee to decide the validation proposal within stipulated period. The Division Bench then directed the respective College and University not to take adverse action against the petitioners and permit the petitioners to prosecute further studies subject to decision of the Committee.

3. Learned counsel appearing for the respective petitioners submits that till date the claim is pending before the Scrutiny Committee for decision in spite of representation submitted by the petitioners to the Committee. It is also submitted by the learned counsel for the petitioners that the respective College and the University were specifically directed not to take any adverse action against the petitioner and permit the petitioners to prosecute their further studies subject to the decision of the Committee and in spite of the directions of this Court, the University is issuing the statement of marks to these petitioners withholding their result on an auspiciously that 'Court Ruling is awaited'. It was also submission of the learned counsel is for the petitioners that as the Committee is seating tight over on the claims, the ultimate sufferer are the petitioners. It is not in dispute that the claim is pending before the Scrutiny Committee and the petitioners had to play no role in the decision making process except to submit the relevant material to the Committee and awaiting the decision of the Committee.

4. Considering these facts and on the backdrop of the submissions of the learned counsels, we are of the opinion that the counsel appearing for the petitioners made out the case, the petitions deserve to be allowed.

5. Accordingly we direct respondent No.3-Scheduled Tribe Certificate Scrutiny Committee, Aurangabad to decide the claim of the petitioners

expeditiously and not later than three months from the date of order of this Court.

6. We further direct the respondent-University as well the respondent-College to declare the result of the petitioners and permit the petitioners to prosecute their further studies or internship as the case may be and not to take any adverse action on the ground that the claim is pending before the Committee.

7. We further make it clear that on the decision of the Committee, the respondent-University and the respective College is at liberty to take appropriate steps in view of the decision of the respective Committee either at Aurangabad or Nashik.

8. With these above directions, the petitions are disposed of.

9. Parties to act upon authenticated copy this order.

[S.M.GAVHANE, J.]

[PRASANNA B. VARALE, J.]