

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

**WRIT PETITION NO. 2263 OF 2019
SHUBHAM GANGADHAR CHITALE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr.C.R. Thorat, Advocate for the petitioner.
Mr.K.N. Lokhande, AGP for respondent/State.
Mr.K.C. Sant, Advocate for respondent No.3.

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

DATED : 22.02.2019

P.C. :-

1. Heard learned Counsel Mr.Thorat for the petitioner. By way of present petition, the petitioner is before this Court with two-fold prayers; firstly seeking directions to respondent Nos.2,3 and 5 to declare result of petitioner's MBBS final year course and secondly seeking directions to respondent No.4-Committee to decide the claim of the petitioner expeditiously and within stipulated frame of time.

2. The facts, which are not in dispute are that in earlier round of litigation, the petitioner approached this Court by way of writ petition No.2651 of 2018. The claim for validation was pending before the Committee. The Division Bench of this Court by order dated 12.03.2018 directed the Committee to decide the

validation proceeding expeditiously and preferably within six months. The petitioner also undertook to appear before the Committee on the scheduled date i.e. on 22.03.2018. The Division Bench of this Court in clear and unambiguous terms observed that the result of the petitioner would not be withheld only on the ground that the validation proceeding is pending and further observed that in-case the petitioner is otherwise eligible, he shall not be restrained from prosecuting further studies only on the ground that the validation proceeding is pending.

3. Our attention was also invited to the order passed by this Court in Writ Petition No.1695 of 2019 to submit that the petitioner in the present petition is identically circumstanced with the petitioner Gurav in Writ Petition No. 1695 of 2019.

4. As learned for the petitioner was justified in submitting that the petitioner is identically circumstanced with the petitioner Gurav and also it is undisputed fact that the claim is pending before the Committee and the petitioner could play no role in decision making by the Scrutiny Committee expect expecting early decision by the Committee, the petition is disposed of at the admission stage with directions to

respondent Nos.2,3 and 5 to declare result of the petitioner of final MBBS Course and permit the petitioner to undertake further course in his academic career without insisting for the validity certificate subject to petitioner fulfilling other condition or criteria.

5. We further direct the respondent – Scrutiny Committee to decide the claim as expeditiously as possible and not later than 12 weeks from the order of this Court.

6. Learned Counsel appearing for the respective respondents as well as learned AGP to communicate order of this Court to the respective respondents and parties to act upon authenticated copy of order of this court. We further make it clear that on the decision of the Scrutiny Committee, the respondents/authorities are at liberty to take appropriate steps.

7. With the above directions/observations, the writ petition is disposed of.

[S.M.GAVHANE, J.]

[PRASANNA B.VARALE, J.]