

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

WRIT PETITION NO. 2637 OF 2019

**RAMESH HANMANTRAO KONDALWADE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr.M.A.Golegaonkar, Advocate for the petitioner.
Mr.S.S.Dande, 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.Golegaonkar appearing for the petitioner. This is one of the numerous petitions which came up before us on the identical backdrop, namely, withholding result assigning reason "Hon. Court Ruling Awaited".

2. The facts which are not in dispute are that the petitioner belongs to Mannervarlu tribe. The petitioner was having necessary document to support his claim including certain validity certificates issued in favour of close blood relatives of the petitioner. The petitioner in earlier round of litigation approached this Court by filing Writ Petition No.10423 of 2014. At that

point of time also the claim of the petitioner for validation was pending before the Committee. The Division Bench of this Court on considering all these facts directed the Committee to decide the validation proceedings expeditiously and preferably within a period of one year from the date of the order. The petitioner was directed to co-operate the Committee in expeditious disposal of the proceeding. Respondent Nos.3 and 4 were directed not to take any adverse action against the petitioner on the ground that the validation proceedings are still pending. Copy of order of the Division Bench dated 20.11.2014 is placed at Exh. "G". It is stated by the learned Counsel for the petitioner that the petitioner extended all the possible co-operation to the Committee and is awaiting the result from the Committee. As this Court passed certain orders considering this very fact situation, we see no reason to take any different view in the present matter. The learned Counsel was justified in submitting that withholding result on the ground of pending claim before the Committee would cause serious prejudice to the petitioner and the petitioner would be deprived of prosecuting academic course further and this loss would be irreparable loss to the petitioner.

3. Resultantly, the petition is disposed of at the

admission stage with directions to respondent Nos.3 and 4 to declare result of the petitioner of third year MBBS course and allow the petitioner to complete internship and to issue internship completion certificate. We further direct the Scrutiny Committee – respondent No.2 to decide the claim of the petitioner expeditiously and not later than eight weeks from the date of order of this Court. Needless to state that declaration of the result of the petitioner is subject to decision of the Scrutiny Committee and the respondent – authorities are at liberty to take appropriate steps on the ultimate decision of the Committee. The petitioner to submit an undertaking to this Court that such declaration of result and further prosecution of the academic course of the petitioner is subject to the decision of the committee. Such undertaking be filed in this Court within two weeks. The petitioner to submit copy of undertaking to respondent No.3 – University as well as respondent No.4 – College.

3. With the above directions, the writ petition is disposed of.

[S.M.GAVHANE, J.]

[PRASANNA B.VARALE, J.]