

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

**WRIT PETITION NO.2584 OF 2019
SWAPNIL DIGAMBARRAO PADALWAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

WITH

**WRIT PETITION NO.2585 OF 2019
AAKANKSHA RAMCHANDRA MALSHETWAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

WITH

**WRIT PETITION NO.2586 OF 2019
MEGHA DEVANAND MALDODE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

WITH

**WRIT PETITION NO.2587 OF 2019
SHUBHAM UMAKANT GHANTE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

WITH

**WRIT PETITION NO.2588 OF 2019
SURAJ BALAJI ISANKAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

WITH

**WRIT PETITION NO.2593 OF 2019
MANISHA PRABHU KOLHE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

WITH

**WRIT PETITION NO.2594 OF 2019
PRITI NIVRUTIRAO MITTEWAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

WITH

**WRIT PETITION NO.2595 OF 2019
SHRADDHA VITTHALRAO DESHATWAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr.S.M.Vibhute, Advocate for the petitioners.

Ms.R.P.Gaur, Mr.S.S.Dande, Mr.A.R. Kale, Mrs.M.A. Deshpande, Mr.V.S. Badakh, Mr.K.N. Lokhande, AGPs for the respondent/State.

Mr.K.C. Sant, Advocate for the respondent/University.

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

DATED : 22.02.2019

P.C. :-

1. Heard learned counsel for the petitioners.

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 petitions were disposed by the order of the Division Bench. The Division Bench while disposing the petitions directed the Scrutiny Committee to decide the validation proposal within stipulated period. The Division Bench then directed the respective Colleges 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 Colleges and the University were specifically directed not to take any adverse action against the petitioners 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 a spacious plea that 'Court Ruling is awaited'. It was also submission of the learned counsel is for the petitioners that as the Committee is sitting tight over the claims, the ultimate sufferer are the petitioners. It

is not in dispute that the claims are 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/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. The petitioners to submit an undertaking to this Court that such declaration of result and further prosecution of the academic course of the petitioners is subject to the decision of the committee. Such undertaking be filed in this Court within two weeks. The petitioners to submit copy of undertaking to respondent/University as well as respondent/College.

8. 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.

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

10. Parties to act upon authenticated copy this order.

[S . M . GAVHANE , J .]

[PRASANNA B . VARALE , J .]