

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

WRIT PETITION NO. 2969 OF 2019

**VANKATESHPRASAD SAHEBRAO MAMILWAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr. P.V. Jadhavar, Advocate for the petitioner
Mr. S.S. Dande, AGP for the respondent/State
Mr. J.R. Patil, Advocate for respondent No.4.

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

DATED : 28.02.2019

P.C. :-

1. Heard learned counsel for the petitioner.
2. The petitioner is 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 petitioner is prosecuting his studies in medical course and other courses etc. The petitioner in his 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 petitioner and permilt the petitioner to prosecute his further studies subject to decision of the Committee. The petition was 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 Colleges and University not to take adverse action against the petitioner and permit the petitioner to prosecute further studies subject to decision of the Committee.

3. Learned counsel appearing for the petitioner submits that till date the claim is pending before the Scrutiny Committee for decision in spite of representation submitted by the petitioner to the Committee. It is also submitted by the learned counsel for the petitioner that the respective Colleges and the University were specifically directed not to take any adverse action against the petitioner and permit the petitioners to prosecute his 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 the petitioner withholding his

result on a spacious plea that 'Court Ruling is awaited'. It was also submission of the learned counsel is for the petitioner that as the Committee is sitting tight over the claims, the ultimate sufferer is the petitioner. It is not in dispute that the claim is pending before the Scrutiny Committee and the petitioner 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 counsel, we are of the opinion that the counsel appearing for the petitioner made out the case, the petition deserves to be allowed.

5. Accordingly we direct respondent/Scheduled Tribe Certificate Scrutiny Committee, Aurangabad to decide the claim of the petitioner 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

petitioner and permit the petitioner to prosecute his 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 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/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 petition is disposed of.

10. Parties to act upon authenticated copy this order.

[S.M.GAVHANE, J.]

[PRASANNA B. VARALE, J.]