

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

WRIT PETITION NO. 4928 OF 2019

Prashant Bansi Ubale .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Anand V. Indrale Patil, Advocate h/f Shri Dilip B. Rode,
Advocate for the Petitioner.

Shri S. B. Yawalkar, Addl.G.P. for Respondent Nos. 1 to 3.

Shri S. V. Munde, Advocate for the Respondent No. 4.

**CORAM : S. V. GANGAPURWALA AND
AVINASH G. GHAROTE, JJ.**

DATE : 04TH DECEMBER 2019.

FINAL ORDER :

. The admission of the petitioner is cancelled on the ground that validity certificate is not submitted within stipulated period.

2. Mr. Patil, the learned counsel for the petitioner submits that, the petitioner has got the validity certificate on 02.03.2019. As per the brochure validity certificate was to be submitted on or before 28th February, 2019. The Scrutiny Committee did not decide the validation proceeding in time. The delay was not on the part of the petitioner. It was because the scrutiny committee did not decide the proceeding, the petitioner could not submit the validity certificate within time stipulated. There was delay of two days.

3. Mr. Munde, the learned advocate for the respondent No. 4 submits that, as per Clause 13 of the brochure, the validity is required to be submitted before 28th February, 2019, failing which the admission stand cancelled. No illegality has been committed.

4. It is not case that delay was on the part of the petitioner or that petitioner was not prosecuting the proceeding before the Scrutiny Committee diligently. The caste certificate was obtained by the petitioner on 17.03.2018 and same was referred to the Committee. There was delay on the part of the Committee in deciding the validation proceeding. The petitioner has been issued with the validity certificate, but belatedly. This Court under interim order dated 25th April, 2019 protected the admission of the petitioner and directed the respondent No. 4/College to permit the petitioner to prosecute further studies. Pursuant thereto the petitioner has also appeared for the Ist year exam. The course is of three years.

5. Considering aforesaid circumstances and aspects in its totality, we are inclined to grant benefit to the petitioner.

6. In view of the above, the impugned order is quashed and set aside. The respondents shall permit the petitioner to continue with the course and shall not take adverse action against the petitioner only on the ground that validity certificate is submitted on 02.03.2019.

7. In the light of the above, the writ petition is allowed in above terms. No costs.

[AVINASH G. GHAROTE, J.]

[S. V. GANGAPURWALA, J.]

bsb/Dec. 19