

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7944 OF 2013
WITH
CIVIL APPLICATION NO. 900 OF 2014

Sudhir Suresh Sahu	}	Petitioner
versus		
The Principal, Terna Medical	}	
College and Hospital, Nerul	}	
and Ors.	}	Respondents

Mr.B.G.Tangsali for the petitioner
(absent).

Ms.Rupali Shinde-AGP for State.

Mr.R.V.Govilkar with Ms.Shaba N.Khan
for respondent no.5.

CORAM :- S. C. DHARMADHIKARI &
M. S. KARNIK, JJ.

DATE :- FEBRUARY 25, 2019

P.C. :-

1. Mr.B.G.Tangsali, who has filed this petition and thereafter moved two civil applications, is absent. Equally the petitioner.

2. The petition is filed in this court on 28th August, 2013. On this petition, the following order was passed on 30th August, 2013:-

“ Not on board. Taken on board.

2. The Petition to come up on the scheduled date which is 3rd October 2013. Page 14 of the Petition shows that the matter of caste verification of the Petitioner is pending before the Second Respondent-the Scheduled Tribe Caste Scrutiny Committee.

3. Issue notice to the first Respondent, returnable on 3rd October 2013.

4. By way of ad-interim relief, we direct that if the Petitioner is otherwise entitled to admission to the M.B.B.S. Course in the first Respondent college, he shall be granted provisional admission subject to condition of producing original caste certificate for perusal of the concerned Authorities.

5. This ad-interim relief will continue to operate till next date. In the meanwhile, the second Respondent-Committee shall endeavour to conclude the inquiry on the caste claim of the Petitioner.

6. We make it clear that this order will not create any equity in favour of the Petitioner. In the event the caste claim of the Petitioner is negatived, the ad-interim relief shall not be continued.

7. parties to act upon an authenticated copy of this order.”

3. After this order has been passed, we have not been informed about the outcome of the admission. Apart therefrom, on 18th October, 2013, this court passed an order on Civil Application No.2550 of 2013 with Civil Application No.2349 of 2013 and concluded that the memo of the writ petition contains certain false statements. Subsequent to that order, we have not seen any attempt being made to argue this case and then what is placed on record is an order passed by the scrutiny committee dated 5th April, 2017, under which, the claim of the petitioner, as belonging to Halba Scheduled Tribe, is declared to be invalid.

Then, on 26th March, 2014, this court recorded that the petitioner can continue the studies. He was permitted to take the examinations as well. On 12th January, 2017, the civil applications filed in this petition were disposed of as infructuous.

4. Afterwards there has been no attempt made to argue this case, though we find that there is an affidavit filed on behalf of the scrutiny committee.

5. Today, when both, the petitioner and the advocate are absent, we have no alternative but to dismiss the writ petition for want of prosecution. It is accordingly dismissed. The earlier ad-interim orders and directions are vacated forthwith.

6. In the light of the dismissal of the writ petition, the civil application does not survive and stands disposed of as such.

(M.S.KARNIK, J.)

(S.C.DHARMADHIKARI, J.)