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

WRIT PETITION NO.4837 OF 2020

Pooja d/o Shivdas Dhar ... PETITIONER

VERSUS

The State of Maharashtra and others ... RESPONDENTS

.....
Shri S.M. Vibhute, Advocate for petitioner
Shri S.G. Sangle, A.G.P. for respondents No.1 and 2
shri A.V. Hon, Advocate for respondent No.3
Shri K.C. Sant, Advocate for respondent No.4
.....

**CORAM: S.V. GANGAPURWALA AND
R.G. AVACHAT, JJ.**

DATED : 13th August, 2020

ORAL ORDER :

Learned A.G.P. accepts notice for for respondents No.1 and 2. Mr. Hon, learned Advocate accepts notice for respondent No.3 and Mr. Sant, learned Advocate accepts notice for respondent No.4.

2. The learned Advocate for the petitioner submits that, the validation proceeding in respect of the tribe claim of the petitioner is pending. The respondents No.3 and 4 are not

allowing the petitioner to prosecute the further Course of B.Sc. Nursing nor are accepting the examination form of B.Sc. Nursing Summer 2020 examination.

3. Mr. Hon, learned Advocate for respondent No.3 submits that, the petitioner has not paid the full course fees of two years, the petitioner be directed to pay the fees.

4. Considering the fact that the validation proceedings is pending, we pass the following order :

5. The respondent No.2 Committee shall decide the validation proceedings in respect of the tribe claim of the petitioner expeditiously, preferably within six months from the date of appearance of the petitioner. The petitioner shall appear before the Committee on 2nd September 2020. The respondents No.3 and 4 shall not refuse to accept the examination form of the petitioner only on the ground that the validation proceeding is pending. If the petitioner is otherwise eligible, the petitioner shall not be refrained from prosecuting her studies in the Second Year only on the ground that the validation proceedings is pending.

6. In case the tribe claim of the petitioner is invalidated, then the petitioner shall pay the full fees to the respondent No.3. The respondents No.3 and 4 may take further course of action

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depending upon the judgment that would be delivered by the Committee in the validation proceedings.

7. The Writ Petition is disposed of. No costs.

(R.G. AVACHAT)
JUDGE

(S.V. GANGAPURWALA)
JUDGE

fmp/-