

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

WRIT PETITION NO.10561 OF 2019

**MAYUR SHANTARAM SOLUNKE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Advocate for Petitioner : Mr. Barlinge S.R.
AGP for Respondents/State : Mr. S.S. Dande

...

**CORAM : SUNIL P DESHMUKH &
M.G. SEWLIKAR, JJ.
DATE : 03.11.2020**

ORDER :-

This is a grave case wherein despite the tribe claim being filed by petitioner for scrutiny by respondent no.2-committee and there being a direction in Writ Petition No.8294 of 2014 under order dated 19-09-2014 to respondent no.2 to decide the proceedings within a period of nine months, it appears that the committee has hardly given any regard to said *mandamus* from the Court.

2. Result of first year pharmacy examination had been stumbled over invalidation of tribe claim of the petitioner. In order dated 19-09-2014 respondents no.3 and 4 were directed to declare result of petitioner of first year B.Pharmacy examination making it subject to decision of respondent

no.2-committee in validity proceeding. It appears in the interregnum further two years studies were prosecuted and their results were also declared. As such, it appears, the petitioner had been allowed to prosecute his studies leading to final year. Four years down after order dated 19-09-2014 (supra) while the petitioner has completed the course of B.Pharmacy and appeared for the final year examination, the petitioner's result has not been declared nor his tribe validity claim has been decided by the respondent no.2-committee.

3. Despite service of notice in present writ petition, there has been absence of response to the notice. The petitioner's request and representation to declare the result of final year examination and for a degree, the same is not responded to and the respondents are sitting tight over the same.

4. We deem it appropriate to direct the scrutiny committee-respondent no.2 to decide on the tribe claim of the petitioner in right earnest preferably before 31-12-2020. The committee to decide the tribe claim by 31-12-2020. In the circumstances, it appears that to be expedient the result of the petitioner's final year examination be declared and marks memo of the same be issued and those shall be subject to the outcome of the tribe validity proceeding.

5. The committee also owes explanation for not adhering to prescription under order of this court passed on 19-09-2014.
6. With aforesaid the writ petition is disposed of.

[M.G. SEWLIKAR, J.]

[SUNIL P. DESHMUKH, J.]