

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.11590 OF 2021**

HITESH PRADIP SHEWALE AND OTHERS ..PETITIONERS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. Aditya N. Sikchi, Advocate for the Petitioners.
Mr. A. R. Kale, AGP for Respondents-State.
Mr. M. D. Narwadkar, Advocate for Respondent No.2.
Mr. K. C. Sant, Advocate for Respondent No.3.

...

AND

WRIT PETITION NO.11595 OF 2021

PRANITA BHASKAR GABHUD AND OTHERS ..PETITIONERS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. D. S. Bagul, Advocate for the Petitioners.
Mr. A. R. Kale, AGP for Respondents-State.
Mr. M. D. Narwadkar, Advocate for Respondent No.2.
Mr. K. C. Sant, Advocate for Respondent No.3.

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**CORAM : S. V. GANGAPURWALA &
R. N. LADDHA, JJ.**

DATED : 13th OCTOBER, 2021.

PER COURT:-

1. Mr. Bagul, learned counsel and Mr. Sikchi, learned counsel submit that, under orders of this Court, the petitioners are allowed to appear for B.H.M.S. I year examination. The respondent/university has not yet taken decision upon eligibility of the petitioners. The result is withheld and now examination is to commence from 12th October, 2021.

2. Mr. Sant, learned counsel submits that, because of inaction in deciding the eligibility of the students like petitioners, the University has to face lot of problems and at the eleventh hour has to ensure the conduct of examination of the students whose eligibility are yet to be decided, though, this Court had passed order on 17.02.2021 to decide the eligibility.

3. The authorities are expected to take decision on the eligibility on priority basis, as the career of the students is in jeopardy and also the University faces difficulty in conducting examination. We expect the authorities to take decision upon the eligibility of petitioners on priority basis.

4. In case decision is not taken by respondent Nos. 1 and 2 regarding eligibility of the petitioners, then the respondent No. 1 may not withhold the result of the petitioners. In case the petitioners are otherwise eligible, then the petitioners may not be refrained from appearing in II year BHMS examination only on the ground that eligibility of petitioners is yet to be decided.

5. The declaration of the result and appearance in the examination shall be subject to the further orders that may be passed by the respondents on the issue of eligibility of the petitioners.

6. In the light of the above, the writ petitions are disposed of. No costs.

7. The parties to act upon authenticate copy.

(R. N. LADDHA)
JUDGE

(S. V. GANGAPURWALA)
JUDGE