



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

**CONT. PETITION NO. 358 OF 2024
IN WP/11032/2023**

**SANKET S/O SURESH SURYAWANSHI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Advocate for the Petitioner : Mr. Mahesh P. Kale
AGP for Respondents/State : Mr. G.A. Kulkarni
Advocate for Respondent No.5 : Mr. U.S.Malte

...

**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.
DATE : 19 APRIL 2024**

PER COURT :

. Heard both the sides.

2. For the alleged malpractice at the examination, the whole of the performance of the petitioner for the fourth semester was cancelled. He had challenged the order. A Division Bench of this Court by the order dated 01.12.2023 in Writ Petition No.11032/2023 had demonstrated as to how the decision making process was illegal and had called upon the respondent/University and the College to resort to fresh enquiry and to decide the matter afresh. By way of indulgence, this Court had permitted the petitioner to appear for fifth semester examination, however had expressly declared that his performance would be subject to the final outcome of the present enquiry. The contempt proceeding has been filed since no decision was being taken pursuant to the direction of this Court.

3. Learned Advocate for the respondent/University tenders across the bar a copy of the communication dated 03.04.2024 addressed to the petitioner by the In-charge/Principal of the respondent/College *inter alia* informing about the decision taken afresh and his whole performance at the fourth semester having been cancelled.

4. Needless to state that the petitioner will have to challenge this order. To the extent of the compliance with the direction, the decision having been taken afresh, nothing survives. The contempt proceeding is disposed of.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

Nagjeeb