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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 4636 OF 2026

Dev Arun Chavan

... Petitioner

Versus

The State of Maharashtra and Ors.

... Respondents

Ms. Priyanka Shaw i/b Mr. R.K. Mendadkar for the Petitioner.

Mr. P.P. Kakade, Addl. G.P. a/w Mr. V.G. Badgujar, AGP for Respondent – State.

Mr. Prashant D. Patil i/b Mr. Prasad B. Kulkari for Respondent No.4.

**CORAM : RAVINDRA V. GHUGE AND
HITEN S. VENEGAVKAR, JJ.**

DATE : 30th APRIL, 2026

P.C. :

1. On 17th April, 2026, we had passed a detailed order with the sole intention of ensuring that the Petitioner gets an early decision in his pending tribe validity proceedings and at the same time, he is granted the benefit of taking admission to the third year, despite the fact that the Committee was of the view that the Petitioner has been delaying the matter. For ready reference, we are reproducing the said order dated 17th April, 2026, hereunder :

1. The learned Advocate for the University desires time to take better instructions and address the Court. He informs us that the Petitioner's result of the First Year of Bachelor of Physiotherapy was declared by virtue of the order dated 21st January, 2026 passed by this Court in Writ Petition No. 3525 of 2025. He

further submits that for educational curriculum deficiencies, the Petitioner could not have appeared for the Second Year exam for two reasons. Firstly, that there were deficiencies on his part with regard to the teaching programme and secondly, he appeared for the Second Year exam without the result of the First Year exam being declared.

2. We are surprised. If the University is not able to assess the eligibility of an examinee and they permit such students to appear for exams, the students cannot be blamed. The blame lies at the door step of the University as well as the College. All said and done, today the fact remains that the Petitioner has already appeared for the Second Year exam. The result is not withheld in connection with his pending Mahadev Koli Tribe validity claim. As such, having appeared for the exams, without going into the aspect of whether the Petitioner had legally appeared for the exam or not in view of deficiency unconnected with the pending tribe claim, we deem it appropriate to direct the University to declare the result.

3. In so far as the tribe validity committee is concerned, we find that the committee, prima facie, is taking our direction dated 21st January, 2026, lightly. The Vigilance Cell Inquiry report was tabled before the committee on 3rd February, 2026. The statutory notice period to enable the claimant to counter the V.C. Report, if it is adverse to him/her, is 15 days from the date of service of the report. Neither the learned Advocate for the Petitioner nor the learned AGP, have any idea about the date of the report and whether the report is in favour of the Petitioner or adverse to him. They have no clue at all. The only thing that the learned AGP tells us is that the Petitioner has tendered an explanation to the V.C. Report on 3rd February, 2026. The next date of hearing was posted on 16th April, 2026 when the Petitioner remained absent.

4. The learned Advocate for the Petitioner assures us that on 27th April, 2026, which is next date for hearing, he would remain present before the Committee at

11.00 a.m. If the Petitioner remains absent on that date at 11.00 a.m., the proceedings shall be closed after waiting for 30 Minutes, at 11.30 a.m. and we will not hear any excuse from the Petitioner, if he approaches this Court for one more chance of hearing. If he sticks to this time schedule, the hearing will be completed on 27th April, 2026 and the judgment of the Committee shall be delivered on or before 21st May, 2026 which is the time line granted by this Court vide order dated 21st January, 2026.

*5. In view of the above directions, this **Petition is disposed off**. Needless to say, the University is at liberty to deal with the College as is permissible in law, for any irregularities committed by the College.*

*6. List this disposed off Petition on **30th April, 2026** for enabling the University to tender the result of the Second Year of Bachelor of Physiotherapy to the Court, in a sealed envelope.*

2. In Paragraph No.4, in the backdrop of the Committee's view that the Petitioner is delaying the matter, we had observed that the Petitioner would participate in the hearing on 27th April, 2026 at 11.00 a.m. If he remains absent, the proceedings would be closed after waiting for 30 minutes at 11.30 a.m. We also recorded that we will not hear any excuse from the Petitioner if he does not remain present and approaches this Court for one more chance of hearing. We also recorded that if he abides by the time schedule given by the Court and completes the hearing on 27th April, 2026, the Committee would deliver a judgment on 21st May, 2026.

3. Despite the above position, the learned Additional G.P. tenders before us a copy of the Application filed by the present Petitioner on 27th April, 2026 before the Committee praying for one more adjournment of one month. This is in clear defiance of the directions of this Court. The Petitioner has been adjourning the proceedings before the Committee and on every occasion in the last two years, this Court has directed the University to declare the results and permitted the Petitioner to get admission to the next year. We are aware of cases when litigants delay hearing before the Committee, pass out through the entire graduation course and then take a stand that the graduation course is complete and equities are created in favour of such litigant.

4. In view of the above, we are directing the University not to declare the result of the Petitioner, which is carried in a sealed envelop before the Court today.

5. The learned Advocate for the Petitioner submits, on instructions from the father of the Petitioner, who is present in the Court, that he will surely appear before the Committee on 4th May, 2026 at 11.00 a.m. and tender written notes of submissions. He will not seek an adjournment on any ground and he will complete his submissions before the Committee in 60 minutes. Thereafter, the Committee may close the

matter and deliver the judgment on 21st May, 2026. As a last chance, we are accepting the request of the Petitioner. His statement is recorded and it is ordered accordingly. The affidavit undertaking of his father is marked **'X'** for identification. The hearing before the Committee shall be arranged on 04/05/2026, at 11 am.

6. We are listing this disposed off Petition for recording compliance on **10th June, 2026**, in the urgent Supplementary Board. If the directions of this Court and aforestated affidavit undertaking **X** given by the father, is followed, only then we would then allow the University to hand over the result of the Second Year of Bachelor of Physiotherapy to the Petitioner on 10/06/2026.

(HITEN S. VENEGAVKAR, J.)

(RAVINDRA V. GHUGE, J.)