

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

***WRIT PETITION NO. 11707 OF 2012***

Umesh Rameshchand Lunawat & anr. ... Petitioners

v/s

The Govt. of Maharashtra & ors. ... Respondents

Mr.S.R. Ganbavale for the petitioners.

Ms.S.S. Bhende, A.G.P. for respondent Nos.1 and 2.

***CORAM: SMT. VASANTI A. NAIK &  
SHRI C. V. BHADANG, JJ.***

***DATED : 9TH FEBRUARY, 2015***

***ORAL JUDGMENT (Per Smt.Vasanti A. Naik, J.):***

Rule. Rule made returnable forthwith. The petition is heard finally as the notice of final disposal was issued to the respondents by an order dated 22nd January, 2013 and the respondents are duly served.

By this petition, the petitioners challenge the order of the Maharashtra University of Health Sciences, Nashik, dated 12<sup>th</sup> July, 2012 asking the Principal, Ashtang Ayurved College to return the degree certificates issued to the petitioners.

The petitioners had secured B.A.M.S. Degree and had applied

for admission to the Post Graduation Degree Course. The petitioners were admitted in the Post Graduation Degree Course in the respondent No.4 college during the academic session 2008-09. The petitioners appeared at the first year Post Graduation Degree Course and were declared successful. When the final year examination was declared, the Maharashtra University of Health Sciences refused to accept the forms of the petitioners on the ground that the college did not have the approval in the academic year 2008-09. The petitioners challenged the communication by filing Writ Petition No.9772 of 2011. While admitting the said writ petition, this Court directed the Maharashtra University of Health Sciences to permit the petitioners to appear at the examination and to declare their results. The petitioners' results were declared and the petitioners were successful. After the declaration of the results, the petitioners also received the degree certificates. By the impugned communication, the Maharashtra University of Health Sciences asked the Principal of the college to return the degree certificates of the petitioners.

On hearing the learned counsel for the petitioners and the respondent Nos.1 and 2, it appears that the University was not justified in asking the Principal of the respondent No.4 college to return the degree certificates issued to the petitioners. It appears that, in the writ petition filed by the respondent No.4 college against the cancellation of the affiliation during the academic session 2008-09, by an interim order, this Court had permitted the

college to admit the students. At the time of issuance of Rule in Writ Petition No.9772 of 2011, this Court had directed the University to declare the results of the second year Post Graduation Degree Course of the petitioners. The results of the petitioners were declared and the degree certificates were also issued to the petitioners. The degree certificates could not have been sought back from the petitioners, especially when the college was permitted to admit the students by an interim order and the respondent No.4 college was later granted affiliation and as on today, the college possesses affiliation.

In view of the aforesaid, the writ petition is allowed. The impugned order is quashed and set aside. Rule is made absolute in the aforesaid terms with no order as to costs.

***(C. V. BHADANG, J.)***

***(VASANTI A. NAIK, J.)***