

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

WRIT PETITIONI NO. 3542 OF 2016

Akanksha Arunkumar Rathod,
Age: 23 years, Occu. Student,
R/o. 847, Thakur Niwas, Bagad Patii,
Ahmednagar, Dist. Ahmednagar.

Petitioner..

VERSUS

The State of Maharashtra & Ors.

Respondents..

.....
Mr E. S. Murge, Advocate for the petitioner
Mr V. M. Kagne, AGP for respondent/State
.....

CORAM : **A. V. NIRGUDE &
V. L. ACHLIYA, JJ.**

DATE : 31ST MARCH, 2016.

PER COURT:

. On perusal of the petition and upon hearing submissions of the learned Advocate for the petitioner, we realized that, filing of this petition is an abuse of process of law. We also realized that, there is no cause of action for this petition. The petitioner is a Medical student. She was admitted to medical course in reserved category. She claimed that, she belongs to Scheduled Tribe category. Way back 2011, the College authorities

asked her to get her tribe claim verified and so her tribe claim was sent for verification and the same was rejected. The petitioner then came to this Court in Writ Petition No. 2424/2012. This Court set aside the adverse order passed by the Committee and remanded the case back. This order was passed on 21.03.2012 in Writ Petition No. 2424 of 2012. In this order, this Court directed the Tribe Verification Committee to decide the petitioner's case within a period of six months from the date of issuance of certificate by respondent No. 6-Sub-Divisional Officer, Gangapur. Accordingly, the petitioner submitted such certificate to the Committee and the Committee did not decide the Tribe Claim till today. In subsequent Writ Petition No. 7894 of 2013, this Court vide order dated 27.09.2013 directed the petitioner to abide by Committee's instructions. The Committee was directed to decide the claim within eight months thereafter. The Committee has so far not decided the claim.

2. In the meantime, the petitioner was protected from coercive action. With the result, she could complete her education upto M.B.B.S. final year and she also completed internship of one

year. Now, the grievance of the petitioner is that, the College authorities informed her that her degree certificate and internship certificate would not be given to her unless she produced the tribe verification certificate.

3. There is one more grievance of the petitioner that, in the meantime, after getting through MBBS examination, she also appeared for PGM-CET examination of 2016 in January – 2016, and now waiting for her admission to Post Graduate Degree course. Here also, she would require tribe verification certificate. She wants to continue her previous *status quo* of continuing education till the Committee decides her claim.

4. The committee might not decide her claim and the petitioner would continue advantage which she has already obtained because of interim order passed by this Court preventing coercive action. The petitioner was aware of the order directing the Committee to decide the claim within eight months from 27.09.2013. Yet, the petitioner did not come before this Court seeking further action against the Committee. Such action was

permissible to her by taking out an application under Contempt of Courts Act. No such attempt was made ever and *in spite* of that the present petition is filed. This petition is also filed at belated stage on 23.03.2016.

5. The petitioner, in fact, had no cause of action for filing this petition because her earlier cause of action is still continuing in her favour. The Committee has not decided the claim of the petitioner yet. She has therefore only one way out and that is to make application to this Court and get the proceedings before the Committee expedited.

6. The petition, therefore, stands dismissed with liberty as indicated above.

7. Authenticated copy of this order be supplied to the parties to act upon.

[V. L. ACHLIYA, J.]

[A. V. NIRGUDE, J.]