

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

**CIVIL APPLICATION NO. 12425 OF 2016**

**IN**

**WRIT PETITION NO. 6465 OF 2016**

Afnan d/o Ferozkhan Pathan                      ...Applicant

VERSUS

The State of Maharashtra  
and others                                              ...Respondents

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Shri U.R.Awate, advocate h/f  
Shri Talekar and Associates for the applicant  
Shri M.M.Nerlikar, A.G.P. for resp. nos. 1 to 4

.....

**CORAM : S.S.SHINDE**

**AND**

**SANGITRAO S.PATIL, JJ.**

**DATED : 8.9.2016**

**PER COURT :**

The learned counsel appearing for the applicant/petitioner submits that Mahatma Gandhi Institute of Medical Sciences, Sevagram, Wardha is ready to grant admission to the petitioner for first year M.B.B.S. course on the condition that he shall submit tribe certificate as well as the tribe validity certificate on or before 8.9.2016

by 5.00 p.m. He further submits that the petitioner appeared for NEET. He invites our attention to the copy of mark sheet showing the marks secured by the petitioner, and submits that the aforementioned institute is ready to admit the petitioner on merits on the basis of marks secured by her in NEET conducted by the Central Board of Secondary Education, Delhi. He further invites our attention to the fact that the petitioner has assailed the decision of respondent no.2/Committee invalidating tribe claim of the petitioner before the High Court, wherein by way of ad-interim relief, the directions are given by this Court to respondent nos. 4 and 5 to allow the petitioner to submit the preference form for medical course in the Government as well as Private Colleges treating the petitioner as a Scheduled Tribe candidate without insisting for tribe validity certificate. He prays that the application for amendment may be allowed and the proposed respondent nos. 6 and 7 may be directed to grant provisional admission to the petitioner till the

Writ Petition is finally decided by this Court.

2. We have heard the learned counsel appearing for the applicant/petitioner and the learned A.G.P. for the State. It appears from the order dated 21.6.2016 in Writ Petition NO. 6465 of 2016 that while issuing notices to the respondents, this Court directed respondent nos. 4 and 5 to allow the petitioner to submit preference form for medical course in the Government as well as Private Colleges treating her as a candidate belonging to Scheduled Tribe category without insisting tribe validity certificate. However, we have made it clear that on the basis of ad-interim relief granted in Writ Petition, the petitioner would not be entitled to claim any equities.

3. In the light of discussion herein above, without prejudice to the contentions of the respondents, we allow this Civil Application for amendment in the petition and also for adding respondent nos. 6 and 7 as party respondents.

4. Accordingly, the application is allowed.  
The same stands disposed of. Amendment to be  
carried out forthwith.

**(SANGITRAO S. PATIL, J.) (S.S.SHINDE, J.)**

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