

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.2277 OF 2016
IN
WRIT PETITION NO.452 OF 2006

Dattatray Vilas Thakur
versus

Applicant

State of Maharashtra and others

Respondents

Mr.R.K.Mendadkar for Applicant/Petitioner.

Mr.D.D.Nalawade for Respondent no.8.

Mr.Vikas Mali, AGP for Respondents 1 to 3.

Mr.Pradeep M. Patil for Respondent no.7.

CORAM : SHANTANU S. KEMKAR AND
PRAKASH D. NAIK, JJ.

DATE : 21st November 2016

PC :

1. Heard learned counsel for parties. Learned counsel for Applicant/Petitioner submits that on the basis of leave granted by this Court, he had appeared for Master of Surgery (Orthopedics) examination, of which result is required to be declared. In case Applicant succeeds in the examination, he will have to serve one year in rural area as per government bond service to post graduate degree holders. He submits that though last date of submission of online application has expired, but in case Applicant's result of M.S. (Ortho) is ordered to be declared, the Applicant will approach the Director of Medical Education and Research, Maharashtra State, Mumbai to seek government bond service. Learned counsel for Applicant further

submits that the Applicant will not claim any equity on the basis of declaration of his result of M.S. (Ortho) and the degree of M.S. (Ortho) may not be ordered to be issued to the Applicant till the writ petition is finally disposed of by this Court. Learned counsel for Applicant further submits that as per Section 10(1) of Maharashtra Caste Certificate Act, 2001, the Applicant, if fails in the petition, would surrender all his passing certificates including M.S. (Ortho) certificate and will face consequential actions.

2. Recording aforesaid statements of learned counsel for Applicant, we direct the Respondent no.8 University to declare Applicant/Petitioner's M.S.(Ortho) result of the examination held in Summer-2016. However, degree of the said examination shall not be issued to the Applicant. The Applicant shall not be entitled to claim equity on the basis of this interim order. The Director of Medical Education and Research, Maharashtra State, to consider the Applicant's claim for bond service, if permissible, in accordance with law.

3. With the above observations, civil application stands disposed of.

(PRAKASH D. NAIK, J.)

(SHANTANU S. KEMKAR, J.)

MST