

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CIVIL APPLICATION W. NO.1514/2016

IN

WRIT PETITION NO.4760/2014

Ku. Aayesha d/o Chandshah Shah

...Versus...

**State of Maharashtra, through its Secretary, Social Justice and Special Assistant
Department, Mantralaya, Mumbai – 32 and others**

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri M.K. Kulkarni, Advocate for petitioner/applicant
Ms N.P. Mehta, AGP for respondent nos.1 to 3
Shri S.M. Ukey, Advocate for respondent no.4

**CORAM : SMT. VASANTI A NAIK AND
MRS. SWAPNA JOSHI, JJ.**

DATE : 25.07.2016

By this civil application, the applicant seeks a direction to the respondent nos.3 and 4 to grant the M.B.B.S. degree certificate to the petitioner as she has completed the internship after securing the M.B.B.S. Degree.

By this writ petition, the petitioner has challenged the order of the Scrutiny Committee, dated 15.7.2014 invalidating the claim of the petitioner of belonging to Chapparband Vimukta Jati. Since the real cousin of the petitioner was granted the caste validity certificate, in view of the law laid down in the judgment, reported in *2010 (6) Mh.L.J. 401 (Apoorva d/o Vinay Nichale...Versus...Divisional Caste Certificate Scrutiny*

Committee No.1 and others), we had issued Rule in the matter on 11.4.2016 and continued the interim relief in regard to the protection of the education of the petitioner during the pendency of the writ petition. The petitioner has passed the M.B.B.S. examination and has also completed the internship. The petitioner has now sought a direction to the respondent nos.3 and 4 to grant the degree certificate to the petitioner.

In the circumstances of the case, it would be necessary to direct the respondent nos.3 and 4 to grant the degree certificate to the petitioner provisionally, subject to the decision in the writ petition. The said provisional certificate should be granted to the petitioner only after the petitioner deposits the fees, that are liable to be deposited by a regular student, who is admitted in the M.B.B.S. course from the general category.

Shri Kulkarni, the learned Counsel for the petitioner states that the petitioner would deposit the difference in the fees with the respondent no.3 within one month.

The respondent no.3 and 4 should grant the provisional certificate in favour of the petitioner within a period of fifteen days from the date of payment of the difference in fees by the petitioner in the respondent no.3 – College.

We make it clear that the issuance of degree certificate would be only provisional and would be subject to the decision in the writ petition.

It is needless to mention that if the petitioner ultimately succeeds and the writ petition is allowed, the petitioner would be entitled to the refund of the difference in fees that the petitioner would be depositing with the respondent no.3.

The civil application is disposed of in the aforesaid terms.

JUDGE

JUDGE

Wadkar

C E R T I F I C A T E

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