

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

WRIT PETITION NO.5292 OF 2017

Sameer s/o. Shivbeer Thakur,
Age : 29 years, Occ. Nil,
r/o. D-35, Phatema Housing
Society, Ward no.1, Shrirampur,
Tq. Shrirampur,
Dist. Ahmednagar ..Petitioner

Vs.

The State of Maharashtra,
through its Secretary,
Medical Education and Drugs
Department, Mantralaya,
Mumbai — 400 0323
and others ..Respondents

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Mr.A.D.Shinde, Advocate for petitioner
Mr.P.N.Kutti, AGP for respondent no.1
Mr.G.G.Kadam, Advocate for respondent no.2
Mr.A.S.Bayas, Advocate for respondent no.3

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**CORAM : S.V. GANGAPURWALA AND
SANGITRAO S. PATIL, JJ.**

DATE : APRIL 26, 2017

PER COURT :

Heard.

2. The learned Counsel for the petitioner
submits that the tribe claim of the petitioner is

still pending with the Committee. He submits that this Court in October, 2016, had directed the Committee to decide the validation proceedings within one year. The petitioner has completed the course of M.B.B.S. in the year 2009 and thereafter, internship is also completed.

3. The grievance of the petitioner is that the Degree certificate and the internship certificate are not being issued only on the ground that the tribe validation proceedings in respect of the petitioner are pending. The learned Counsel for the petitioner submits that the petitioner has given an undertaking to this Court that till the validation proceedings are decided, the petitioner will not claim benefit of reservation. He further submits that the petitioner is ready to pay the full fees as that of an open category candidate.

4. Mr.Bayas, learned Counsel for respondent no.3 – University submits that once the Degree certificate and internship certificate are issued, it would be difficult to take action against the petitioner in case, his tribe Certificate is invalidated on the ground of fraud or otherwise.

5. It appears that the validation proceedings in respect of the tribe claim of the petitioner is pending. The petitioner is ready to pay the full fees as that of an open category candidate. The petitioner can also be directed to give an undertaking that he will not claim benefit of reservation till his tribe claim is validated.

6. Considering the above and to balance the equities, we pass the following order :-

(i) Respondent no.3 – University shall issue the Degree certificate and internship certificate to the petitioner in case the petitioner is otherwise eligible for the same. The petitioner

shall pay the full fees as that of an open category candidate with the University before obtaining the Degree certificate and internship certificate.

(ii) The petitioner shall not take benefit of reservation in his further studies or in service on the basis of the Degree Certificate and Internship Certificate, till the tribe validation proceedings are decided by the authority in favour of the petitioner.

(iii) The Writ Petition is disposed of with the aforesaid directions. No costs.

[SANGITRAO S. PATIL, J.] [S.V. GANGAPURWALA, J.]