

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6569 OF 2017

Sarah Farheen Abdul Karim

.. Petitioner

VS.

The State of Maharashtra and others

.. Respondents

Mrs. A.N. Ansari, Advocate for the petitioner

Mr. P.S. Patil, A.G.P. for the respondent/State

**CORAM : S.C. DHARMADHIKARI &
MANGESH S. PATIL, JJ.**

DATE : 03-07-2017

ORAL ORDER :

1. Not on Board. Mentioned. Taken on Production Board.
2. The petitioner has obtained admission against a seat reserved for Nomadic Tribe - "Beldar" community. Pending scrutiny of caste certificate issued to the petitioner, she was admitted by the Government Medical College, Aurangabad. Her admission was also conditionally approved by the Maharashtra University of Health Sciences – second respondent.

3. Thereafter, she completed her 1st year M.B.B.S. and appeared for 2nd year M.B.B.S. Course examination. However, the verification process and particularly of her claim, could not be concluded by the Scrutiny Committee at Aurangabad. In the meanwhile, the papers were forwarded to the 5th respondent – Scrutiny Committee, which is at Parbhani.

4. In the light of the urgency shown by the petitioner and since her results were withheld, learned Vacation Judge of this Court passed an order on 11th May, 2017.

5. That order reads as under:-

“1. The petitioner has passed her M.B.B.S. course and now she is doing internship at Government Medical College at Aurangabad. However, she has not been issued marksheet and the passing certificate on the ground that she has not submitted caste validity certificate. Learned Counsel for the petitioner submits that though the proposal of the petitioner for caste validity has been forwarded to the concerned Caste Scrutiny Committee way back in the year 2011, till

date, the validity of her caste certificate has not been decided. Learned Counsel pointed out that in the year 2013, the petitioner was constrained to file a writ petition bearing No.3169/2013 for seeking certain directions against the Caste Scrutiny Committee as well as against the College. Learned Counsel further submits that the petitioner had also filed one more petition bearing W.P.No.2304/2015 for seeking direction against the college to permit the petitioner to appear for Second Year Examination. Learned Counsel submits that the petitioner apprehends that, for want of caste validity, the respondents may cancel her internship. In view of the submission so made, issue notice to the respondents returnable on 3rd of July, 2017.

2. S.O. to 3rd of July, 2017. Till then, ad interim relief in terms of prayer clause (C). Learned A.G.P. waives service for respondent nos. 1 and 5. Authenticated copy of this order be issued to the requesting parties.”

6. Since this order continues only upto 3rd July, 2017, we directed that the papers be produced today for continuation of this arrangement. Accordingly, in the afternoon session, the papers were produced.

7. Mr. Patil, learned A.G.P appearing on behalf of the respondent and particularly the Scrutiny Committee informs us that the said Scrutiny Committee at Aurangabad has misplaced the records/file. The Committee at Parbhani is making endeavour to trace the original records and if that is not possible, re-construct the file.

8. We do not think that the petitioner should suffer for this inaction and delay on the part of the Scrutiny Committee. The claim is pending since 2011. The petitioner, in the meanwhile, is pursuing her studies.

9. In the circumstances, the Writ Petition is disposed of in terms of the order of the learned Vacation Judge. The petitioner's education should not be disturbed nor interfered with, until the Scrutiny Committee disposes off the proceedings.

10. Our order and direction means that the petitioner can continue her studies, including internship, until the Scrutiny

Committee passes its final orders. Therefore, she shall be allowed to complete her internship. Her results, if they are withheld, should be declared and the mark-sheet be handed over to her. In the event, she clears her examination and pursues her studies further, that may also be permitted. However, all this is subject to the orders of the Scrutiny Committee. No equities can be claimed by the petitioner on the basis of our order.

[MANGESH S. PATIL]
JUDGE

[S.C. DHARMADHIKARI]
JUDGE

arp/