

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8208 OF 2011
(Diksha d/o Sudhakar Waghmare Vs. The State of
Maharashtra and others)

Mr. S.S. Thombre, Advocate for the petitioner
Mr. V.S. Badakh, A.G.P. for the respondent/State
Mr. V.R. Sonwalkar, Advocate for respondent Nos.2 and 3
Mr. V.R. Dhorde, Advocate for respondent No.4
Mr. A.V. Hon, Advocate for the respondent No.5

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

DATE : 28th APRIL, 2017

ORAL JUDGMENT (PER S.V.GANGAPURWALA, J):

Heard.

2. This petition is filed seeking direction to correct the date of birth of the petitioner and secondly, to allow her to submit her examination form and appear for the examination/s.

3. Mr. Thombre, the learned counsel for the petitioner submits that pursuant to the interim order passed by this Court on 9th November, 2011, the petitioner was allowed to continue her B.A.M.S. course and subsequently, has completed the said course and passed the same. However, the respondents are not issuing the Certificate and the original documents.

4. It appears that the petitioner was not allowed to appear for the examination on the ground that on the date when the petitioner was admitted to the B.A.M.S. course, she was underage. This court, on 9th November, 2011, has observed thus:-

"3. We find that in the said case, the Division Bench has held that the candidate concerned should complete 17 years on 31st December of the year, in which the candidate is admitted.

4. Even according to the S.C.C. certificate, the date of birth of the petitioner is 18.12.1993. The petitioner is admitted in the year 2010. As such, the petitioner would complete 17 years on 31.12.2010. We therefore find that case for grant of interim relief has been made out.

5. There shall be interim relief in terms of prayer Clause (F) and (G)."

5. Pursuant to the aforesaid order, the petitioner has completed her B.A.M.S. course.

6. Mr. Thombre, the learned counsel for the petitioner, on instructions, submits that he will not press for prayer Clause "B".

7. Considering the above, we pass the following order:-

8. In case the petitioner has successfully completed the B.A.M.S. course and has passed it and if there is no any other impediment, then the respondent shall issue the necessary certificate and original documents to the petitioner.

9. Rule is made absolute in the above terms. The Writ Petition stands disposed of. No costs.

[SANGITRAO S. PATIL]
JUDGE

[S.V. GANGAPURWALA]
JUDGE