

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 2673 OF 2017

Ms. Azmi Fatima Ishteyaque.

..Petitioner.

Versus

State of Maharashtra & Others.

..Respondents.

Mr. Y. M. Choudhary, Ms. Nazima Shaikh i/b Khan Abdul Wahab for the
Petitioner.

Mr. A. R. Kapadnis, APP for the State.

Mr. Kunal Waghmare for Respondent No.2.

Coram : RANJIT MORE &
PRAKASH D. NAIK, JJ.

Date : **October 13, 2017.**

P. C. :

1. The petition is filed for following relief :

“(i) this Hon'ble Court may graciously be pleased to direct Respondent No. 1 to 4 return her genuine original educational documents to the Petitioner, i.e., domicile certificate, SSC passing certificate, 12th passing certificate, entrance examination mark sheet, school leaving certificate, college leaving certificate upon such terms and conditions as this Hon'ble Court deems fit and proper”

2. The Petitioner secured admission in Respondent No.2 medical college in the year 2013-14 on the basis of her caste certificate that she belongs to ST category. The Petitioner cleared first year in 2014 and second year in the year 2015. It was in the month of July 2016 when the Petitioner was pursuing 3rd year of MBBS course, it was

found that caste certificate on the basis of which she secured admission to the MBBS course is false one. Accordingly, her admission was cancelled and FIR is filed against the Petitioner and one Dr. Abdul Mirza.

3. The Petitioner claims to be innocent and according to her, said Dr. Mirza is responsible for the entire episode. At this stage, the Petitioner has no grievance for cancellation of her admission. The limited prayer is made for the return of undisputed educational documents as she wants to pursue education in another college / streams.

4. The petition was placed before this Court on 15th September 2017. On that day, the learned Counsel for the Petitioner showed willingness and readiness to deposit Rs.10 lakh on account of condition mentioned in the prospectus of NEET for the seat falling vacant after three years. Today, also the learned Counsel for the Petitioner states that the Petitioner is ready and willing to abide by the said statement.

5. In view of above circumstances and taking into

consideration the future prospects of the Petitioner, in our opinion the interest of justice would be subserved by directing Respondent No.2 to return to the Petitioner the undisputed original documents. The petition is accordingly disposed of by passing following order :

-: O R D E R :-

[1] The Petitioner is directed to deposit Rs.10 lakh with Respondent No.2 within the period of two weeks from today.

[2] On such deposit being made, within two days of such deposit Respondent No.2 shall return to the Petitioner the original documents referred to in prayer clause (i) above.

[3] It is made clear that the deposit of Rs.10 lakh by the Petitioner is without prejudice to his right to challenge the legality thereof before the appropriate forum.

[PRAKASH D. NAIK, J.]

[RANJIT MORE, J.]