

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 8079 OF 2014

Pooja Rajaram Yadav

...Petitioner

Versus

State of Maharashtra & Ors.

...Respondents

Mr. R.K. Mendadkar, for the Petitioner.

Mr. A.I. Patel, Add.GP, for the Respondent No. 1.

Mr. Shardul Singh, a/w Mr. V. Amin, i/by B. Amin & Co., for
Respondent No. 2.

**CORAM : B.R. GAVAI AND
RIYAZ I. CHAGLA, JJ.**

DATE : 20 June 2017

ORDER :

1. Rule is made returnable forthwith.
2. Heard by consent.

3. The Petitioner has approached this Court praying for a direction to Respondent No. 2 College to issue an Internship Completion Certificate, with further directions to Respondent No. 3 University to issue B.H.M.S. Degree certificate to the Petitioner pursuant to the passing certificate 10 February 2010 issued by it.

4. Shri. Patel appears for Respondent No. 1-State, Shri. Singh appeared for Respondent No. 2. Though duly served, none appears for Respondent No. 3.

5. The Petition arises out of peculiar facts and circumstances. The Petitioner having obtained certificate of belonging to Ahir Tribe, which was recognised as Nomadic Tribe, applied for B.H.M.S. Degree in the year 2005. The Petitioner was granted admission against the seat reserved for Nomadic Tribe Category. Since the Petitioner had applied against the seat reserved for Nomadic Tribe category, she had applied for grant of validity certificate. However, the same was

rejected on the ground that the Petitioner was a migrant. Being aggrieved thereby, the Petitioner approached this Court. However, the Petitioner has now given up the challenge and accepted the order of the Scrutiny Committee.

6. In the meanwhile, the Petitioner has completed the course and is entitled to the degree. However, since the Petitioner had applied for seat against reserved category and since she has failed to submit a validity certificate, she has not been granted the internship certificate by the college and the degree by the University.

7. It is not in dispute that the Petitioner has paid the entire fees of the Respondent No. 2, as are acquired to be paid by a candidate belonging to general category.

8. As already observed herein above, we find that the Petition arises out of the peculiar facts. Even if, the admission of the Petitioner is cancelled at this stage, no student is likely to

get any benefit. We are informed across the bar that she has also completed her internship.

9. We therefore, find that since the Petitioner has already completed the course and has also paid the fees payable by the regular students, it will be in the interest of justice that she should be granted an internship certificate and that since she has already passed the course and she has also undergone the internship successfully, it will be in the interest of justice that she should be granted an internship completion certificate and B.H.M.S. Degree certificate.

10. However, at the same time, a site cannot be lost on account of the Petitioner being admitted against Nomadic Tribe Category, one eligible candidate from the State of Maharashtra has lost her claim. We therefore, direct the Petitioner to deposit the costs which are quantified at Rs. 1,00,000/- (Rupees One Lakh only). Said amount be deposited within a period of two weeks with the Maharashtra State Legal

Services Authority.

11. The payment of costs shall be a condition precedent for allowing the Petition.

12. Rule is made absolute by directing Respondent No. 2-College to issue an Internship Certificate to the Petitioner within a period of four weeks from today and further directing the Respondent No. 3- University to grant B.H.M.S. Degree Certificate to the Petitioner within aforesaid period of four weeks.

[RIYAZ I. CHAGLA, J.]

[B.R. GAVAI, J.]