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

WRIT PETITION NO.3345 OF 2019

Mayuri d/o Shrikrishna Punjarwad,
Age: 23 years, Occu: Education,
R/o. Kharatwadi, Tq. Hadgaon,
District Nanded

..PETITIONER

VERSUS

1. The State of Maharashtra,
Through its Secretary,
Medical Education and Drugs Department,
Mantralaya, Mumbai
2. The Dean,
Shri Vasantao Naik Government Medical
College, Yawatmal,
District Yawatmal
3. The Registrar,
Maharashtra University of Health Science,
Dindori Road, Mhasrul, Nashik,
District Nashik
4. The Scheduled Tribe Caste Certificate
Verification Committee, Aurangabad,
Through its Dy. Director (R),
Aurangabad

..RESPONDENTS

Mr S. M. Vibhute, Advocate for petitioner;
Mrs M. A. Deshpande, A.G.P. for respondent Nos.1, 2 & 4;
Mr S. B. Patil, Advocate for respondent No.3

**CORAM : PRASANNA B. VARALE
AND
S. M. GAVHANE, JJ.**

DATE : 7th March, 2019

ORAL ORDER:

Heard learned Counsel appearing on behalf of the petitioner.

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2. The petitioner is coming before this Court in her third round of litigation. The petitioner was admitted in the Vasantrya Naik Government Medical College, Yawatmal. She belongs to 'Koli Mahadev' Scheduled Tribe category. Her certificate was forwarded to the Scrutiny Committee for validation. The Scrutiny Committee accepted the claim for validation on 2nd November, 2011. It seems that the petitioner was prevented from appearing for examinations on the ground that she failed to submit the validity certificate. As such, she had approached this Court in Writ Petition No.5551 of 2013. The Division Bench of this Court disposed of the said writ petition with directions to the Scrutiny Committee to take decision on the proposals as early as possible and preferably within one year from the date of the order i.e. from 12th August 2014.

3. In the third year of M.B.B.S. course, the petitioner's result was withheld on the same ground that the validity certificate is not submitted. Again the petitioner had approached this Court by filing Writ Petition No.2404 of 2018 and on 5th March, 2018, the Division Bench of this Court directed the Committee to decide the claim under any circumstances within a period of five months from the date of the appearance of the petitioner and respondents not to withhold the result of the petitioner on the ground that validation proceedings is pending. The Division Bench further observed that, in case the petitioner is otherwise eligible, then she may have a right to

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prosecute her internship as may be permissible, however, degree certificate shall not be issued to the petitioner unless and until the validity certificate is produced.

4. The petitioner completed her academic course of Medicine and was subjected to Compulsory Paid/Unpaid Rotatory Medical Internship Training Programme from 20th February, 2018 to 26th February, 2019. The petitioner completed her internship programme successfully and a certificate is issued in her favour, a copy of which is placed on record at Exh.'F'. The college then forwarded the proposal for grant of internship to the University on 28th February, 2019. The petitioner submitted that till today, the claim is pending before the Committee and the University may not accept the proposal of the college on the ground that the claim is pending. Learned Counsel submitted that the petitioner's academic career was protected by this Court and the petitioner is also ready to give undertaking to this Court and the respondents authorities that further steps in the prosecution of academic career, such as, internship certificate to be issued by the University and seeking admission for further course would be subject to the decision of the Scrutiny Committee.

5. Though we find that the approach of the Committee, in not deciding the claim for validity in spite of two orders of the Division Bench of this Court and sitting tight over the claim for years together is required to be

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dealt with stern hands but for the other aspect of the matter that this would only lead to further delay in decision of the claim, we dispose of the petition with directions to the Committee to decide the claim of the petitioner within twelve weeks from today. We further direct respondent No.3 – University to issue internship certificate to the petitioner on the proposal dated 28th February, 2019 submitted to it through the college, without insisting for the validity certificate and if there is no other impediment, the petitioner to submit an undertaking to this Court within a period of two weeks from today as well as the copies be supplied to respondent Nos. 2 and 3.

(S. M. GAVHANE, J.)**(PRASANNA B. VARALE, J.)**

sjk