

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

WRIT PETITION NO.4050 OF 2019

Abhijit Dagduba Sapkal.

Petitioner.

Versus

The State of Maharashtra & others.

Respondents.

Mr. P.V. Jadhavar, Advocate for the petitioner.

Smt. G.L. Deshpande, A.G.P. for respondent Nos.1 to 3.

Mr. K.C. Sant, Advocate for respondent No.4.

**CORAM : PRASANNA B. VARALE &
SUNIL K. KOTWAL, JJ.**

Dated : 28 March 2019.

ORAL ORDER :-

. Heard learned Counsel for the petitioner. This is a second occasion for the petitioner to knock the doors of this Court with a prayer seeking direction to the Scrutiny Committee to decide the tribe claim of the petitioner expeditiously.

2. The petitioner, who was prosecuting his Medical Course and was appearing for Third Year M.B.B.S. Course, approached this Court by filing Writ Petition No.2153 of 2018

raising a grievance that result of the petitioner was withhold on the ground of non-submission of the validity certificate. It was submitted before this Court that the validation proceedings are pending before the Committee since 2012-2013 and exercise of enquiry through the Vigilance Cell is pending. It was submitted that the petitioner will have to undergo internship for one year and withholding the results on account of non-submission of validity certificate would cause serious prejudice to the petitioner. The Division Bench, by an order dated 22 February 2018, directed the Scrutiny Committee to decide the validation proceedings in respect of the tribe claim of the petitioner within a stipulated period of three months from the date of appearance of the petitioner. The petitioner was directed to appear before the Committee on 08.03.2018.

3. Now the petitioner has completed his M.B.B.S. Course and the internship is also completed by the petitioner. Internship completion certificate issued by Dean, Government Medical College, Aurangabad is placed on record at Exh-E. The Dean, Government Medical College forwarded recommendatory communication to respondent No.4 – Registrar, Maharashtra

University of Health Science and it was submitted that the Government Medical College is having no objection for issuance of internship completion certificate by the Health University. A proposal accordingly was submitted to the respondent No.4. A provisional registration certificate issued by Maharashtra Medical Council, Mumbai is also placed on record.

4. The petitioner is desirous for attending and completing the Medical Officership as further course in him academic career, but for non-issuance of internship certificate by respondent No.4, the petitioner will not be in a position to take further course, is the submission of learned Counsel appearing for the petitioner. Learned Counsel also invited our attention to the order of this Court dated 7 March 2019 in Writ Petition No.3345 of 2019 to submit that the petitioner is identically circumstanced with the petitioner Mayuri Shrikrishna Punjarwad in Writ Petition No.3345 of 2019.

5. In view of the above referred facts, we deem it proper to dispose of the petitioner at the admission stage. Issue notice to the respondents returnable forthwith. Learned Additional Government Pleader waives service of notice for respondent Nos.1

to 3. Learned Counsel Mr. Sant waives service of notice for respondent No.4.

6. The petition is disposed of with direction to Scrutiny Committee to decide the claim of the petitioner within eight (08) weeks from today. We further direct respondent No. 4 to issue internship completion certificate to the petitioner on the proposal dated 7th March 2019 submitted to it without insisting for validity certificate, if there is no other impediment. The petitioner to submit an undertaking to this Court as well as to the respondents Authorities within a period of two weeks, that further steps in the prosecution of academic career would be subject to the decision of the Scrutiny Committee.

7. With the aforesaid observations, the Petition is disposed of

(SUNIL K. KOTWAL)
JUDGE

(PRASANNA B. VARALE)
JUDGE

vdd/