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

WRIT PETITION NO. 4603 OF 2019

Piyusha Prakash Yenkure
Age: 23 years, Occ.Student
R/o Borul, Deoni
Tq.Deoni, Dist. Latur

..PETITIONER

VERSUS

1. The State of Maharashtra
Through its Secretary
Medical Education and Drugs Department
Mantralaya, Mumbai-32
2. The Scheduled Tribe Certificate Scrutiny
Committee, Aurangabad
Through its Deputy Director,(R)
3. The Dean / Principal,
Seth G. S. Medical College
And KEM Hospital Campus
Parel, Mumbai
4. The Registrar,
Maharashtra University of Health Sciences
Nasik, Dindori Road, Nashik
Tq. & Dist. Nashik

..RESPONDENTS

Mr P.V. Jadhavar, Advocate for petitioner;
Mrs P.V. Diggikar, A.G.P. for respondent No.1
Mr K.C. Sant, Advocate for respondent No.4

**CORAM : PRASANNA B. VARALE
AND
NITIN W. SAMBRE, JJ.**

DATE : 11th April, 2019

ORAL ORDER:

Heard learned Counsel for the petitioner.

2. 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.

3. The petitioner, who was prosecuting her Medical Course and was appearing for Third Year M.B.B.S. Course, approached this Court by filing Writ Petition No.2151 of 2018 raising a grievance that her result 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 result 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.

4. Now the petitioner has completed her M.B.B.S. Course and the internship is also completed by her. 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 Sciences 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 respondent No.4. A provisional registration certificate issued by Maharashtra Medical Council, Mumbai is also placed on record.

5. The petitioner is desirous for attending and completing the Medical Officership as further course in her 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 7th 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.

(4)

6. In view of the above referred facts, we deem it proper to dispose of the petition at the admission stage.

7. Issue notice to the respondents, returnable forthwith. Learned Assistant Government Pleader waives service of notice for respondent Nos.1 to 3. Learned Counsel Mr. Sant waives service of notice for respondent No.4.

8. The petition is disposed of with direction to Scrutiny Committee to decide the claim of the petitioner within twelve (12) 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.

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With the aforesaid observations, the Petition is disposed of.

(NITIN W. SAMBRE, J.)

(PRASANNA B. VARALE, J.)

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