

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

908 CIVIL APPLICATION NO.3423 OF 2022
IN WP/9399/2019 WITH WP/9399/2019

SNEHA ASHOK FULEBOYBNE AND ANOTHER ..APPLICANT
VERSUS
SCHEDULED TRIBE CERTIFICATE SCRUTINY
COMMITTEE AURANGABAD THROUGH ITS MEMBER
SECRETARY AND OTHERS ..RESPONDENTS

...
Advocate for Applicants : Mr. S. S.Phatale
...

**CORAM : R. D. DHANUKA &
S.G. MEHARE JJ.
DATE : 09.03.2022.**

PER COURT :-

By this Civil Application the applicant seeks an order directing respondent No.3 University and respondent No.2 College to declare the result of the petitioner for 4th year BAMS Examination held in Summer-2021 and also allowed the petitioner to complete her internship and issue certificate of BAMS course to the applicant without insisting certificate of validity.

2. The learned counsel for the applicant invited our attention to the interim order dated 30th July 2019 passed by this Court thereby directing respondent No.2 and 3 not to take any adverse

action against the petitioner on the ground that their tribe claims are invalidated.

3. Learned counsel for the applicants states that petitioner No.2 has not appeared for any examination and thus petitioner No.2 does not seek similar relief, declaration of result in this Civil Application.

4. It is submitted by the learned counsel that if the result of Fourth Year BAMS Examination held in Summer-2021 is not declared, the applicant will not be able to complete her internship. He further submits that his client will not pray for Degree Certificate during the pendency of this petition. Statement is accepted.

5. We are informed that after ad-interim order dated 30th July 2019 passed by this Court in this petition, respondent No.2 and 3 have already declared the result of the applicant of Third Year BAMS Examination held in Summer-2020.

6. We are inclined to accept the request made by the learned counsel for the applicant that the result of 4th Year BAMS Examination held in Summer-2021 be declared, however, subject to condition that applicant would not pray for issuance of Degree Certificate till disposal of the Writ Petition filed by her

and will not claim equity. We accordingly pass the following order

ORDER

(i) Respondent No.3 University and respondent No.2 College are directed to declare the result of the applicant for 4th year BAMS Examination held in Summer-2021 and also to allow the petitioner to complete her internship without insisting certificate of validity. It is further made clear that petitioner/applicant will not claim any equity. In view of this directing respondent No.3 and 2 to declare result of the applicant for Fourth Year BAMS Examination but shall not issue Degree Certificate, till decision of Writ Petition.

(ii) Result shall be declared within one week from today. It is made clear that interim order passed by this Court today is subject to further order that would be passed by this Court at the stage of final hearing of the matter.

(iii) Civil Application is allowed in aforesaid terms.

Respondent Nos. 2 and 3 to act on the authenticated copy of this order.

(S.G. MEHARE J.)

(R.D. DHANUKA J.)