

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

**CIVIL APPLICATION NO.7966 OF 2022
IN WP/11462/2021
WITH
WRIT PETITION NOS.11456/2021 WITH WP/11464/2021
WITH WP/11462/2021**

**SANJIVANI RAMKISHAN ETUBONE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Advocate for the Applicant : Shri Sanket Kulkarni h/f Shri
Karande Mahesh B.

AGP for the Respondents/ State : Shri S.R. Yadav
Advocate for Respondent 4 : Shri P.P. More

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**CORAM : RAVINDRA V. GHUGE
&
SANDIPKUMAR C. MORE, JJ.**

DATE :- 10th June, 2022

Per Court :-

1. On 07.06.2022, we had passed the following order:-

- “1. *Considering the law laid down in Chairman and Managing Director, Food Corporation of India and others vs. Jagdish Balaram Bahira and others, (2017) 8 SCC 670, we are not inclined to grant any relief to the petitioner to facilitate progress in further education / PG courses on the basis of reservation since her caste claim as ‘Mahadev Koli’ has already been invalidated and this Court is yet to interfere with the findings of the Competent Committee.*
2. *The learned Advocate for the applicant submits that an affidavit would be filed, undertaking that no further benefit on the basis of ‘Mahadev Koli’ caste would be claimed by the petitioner until the petition is*

decided.

3. *In the meanwhile, leave to add the proposed Maharashtra University of Health Sciences, Nashik as respondent No.4. Addition be carried out forthwith. Issue notice. The learned Advocate Shri More causes appearance and waives service on behalf of the University.*
4. *List this Civil Application for passing orders on 10th June, 2022.”*

2. The learned counsel representing the applicant draws our attention to the affidavit filed by the petitioner from page Nos.334 to 336 dated 09.06.2022. Though it is titled as affidavit in reply on behalf of the petitioner, he submits that it is actually an undertaking affidavit. It is specifically stated that the applicant would not take further benefit of reservation of “Mahadev Koli” Scheduled Tribe as her tribe claim has been invalidated by the competent Scrutiny Committee on 26.08.2021. She has preferred Writ Petition No.11462/2021 for challenging the said decision.

3. In view of the above, the affidavit undertaking would bind the applicant/ petitioner subject to the result of the petition. Since such affidavit has been filed, the Civil Application is allowed by directing respondent No.4/ University to issue the University Internship Completion Certificate (UCC) to the applicant, subject to there being no other legal impediment.

4. All office objections in the writ petitions shall be removed on or before 24.06.2022.

kps (SANDIPKUMAR C. MORE, J.) (RAVINDRA V. GHUGE, J.)