

(1)

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

WRIT PETITION NO.6428 OF 2022

**SHAIKH KHAJAMAINODIN MUSASAB
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS**

....

Mr G. K. Chinchole, Advocate h/f Mr S. M. Vibhute, Advocate
for petitioner;

Mr S. B. Yawalkar, A.G.P. for respondents/State

Mr A. R. Kale, Advocate for respondent No.4

**CORAM : RAVINDRA V. GHUGE
AND
ANIL L. PANSARE, JJ.**

DATE : 20th July, 2022

PER COURT:

1. The petitioner has put forth prayer clause (B), which reads
as under :-

“B) The respondent Nos. 3 and 4 may kindly be directed to declare the result of the petitioner of Forth BAMS (2012)-Winter-2021, allow the petitioner to complete internship and conferred the petitioner the necessary Certificates, which the petitioner is entitled, without insisting for Tribe Validity Certificate of the petitioner, as said Tribe Validity proceedings of the petitioner are pending before the respondent no. 2 Committee.”

(2)

2. Issue notice to the respondent, returnable forthwith. The learned A.G.P. waives service of notice on behalf of respondent Nos.1 and 2 and Shri. P. P. More, the learned Advocate waives service of notice on behalf of respondent No.4.

3. The learned Advocate for the petitioner submits that respondent No.4 – Health University has declared the result of the BAMS final year. However, the result of the petitioner is withheld for want of a tribe validity certificate. He submits that the petitioner intends to pursue Internship.

4. The learned A.G.P. submits that the vigilance cell enquiry in this case, is pending.

5. In view of the above, this petition is disposed off with the following directions :-

(a) Respondent No.4 is directed to declare the result of the petitioner of the Fourth year BAMS (2012)-Winter-2021, expeditiously.

(b) The petitioner shall tender an affidavit undertaking to this Court as well as to respondent No.4 – Health University, declaring that he would not seek any further advantage on the basis of his claim, that he belongs to the

(3)

‘Takankar’ Scheduled Tribe, either for further education or for employment, until the claim is decided.

(c) On the condition of filing the affidavit, respondent No.4 shall release the result of the petitioner.

(d) The Degree Certificate of the petitioner shall be withheld by the University, subject to the decision in the claim validation proceedings.

(e) The vigilance cell enquiry would be completed on or before 15/09/2022.

(f) The copy of such committee report would be supplied to the petitioner forthwith after it is completed.

(g) The petitioner shall appear before the Committee on 10/10/2022 at 12.00 noon and submit his written explanation/submissions.

(h) The Committee shall deliver its order on or before 04/11/2022.

(ANIL L. PANSARE, J.)

(RAVINDRA V. GHUGE, J.)