

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

904 WRIT PETITION NO.1437 OF 2022

**VARSHA MOHAN BOYANE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Advocate for Petitioner : Mr.Murge Estling S.
AGP for Respondents-State : Mr.S.G.Sangle
Advocate for Respondent No. 3 : Mr.Sant Kishor C.

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

DATE : 29th JUNE, 2022

PER COURT :

1. This petition is filed on 29.06.2021, is registered in 2022 and the notice is yet to be issued. The prayer Clauses (A), (B) and (C) read as under :

“(A) The respondent No. 3 to 4 be directed to allow the petitioner to complete the internship and thereafter she may be given the internship completion certificate, decree certificate, mark sheet, and other original documents without insisting for validity certificate by issuing writ of mandamus or any other writ like nature.

(B) The respondent No. 3 be directed to grant

eligibility to the admission of dental course the petitioner and she be allowed to prosecute the post-graduation study if she found otherwise eligible.

(C) The respondent No. 2 Scrutiny Committee be directed to decide the Tribe Claim of the petitioner within stipulated period.”

2. The petitioner was earlier before us in Writ Petition No. 2966 of 2017. By order dated 7th March, 2017, we directed that the Committee shall decide the pending claim of the petitioner within 9 months. Since the claim was not decided within 9 months, the petitioner could have approached this Court for further directions or by taking out a Civil Application or by filing a contempt petition. The petitioner has done nothing. The petitioner waited till she completed her B.D.S. in 2021 and then approached this Court by filing this petition on 20.06.2021, which is circulated in 2022.

3. The learned Advocate for the petitioner has tendered an affidavit dated 28.06.2022, indicating that the petitioner has already passed the final year examination of B.D.S. Course. She has secured 62% marks in the final year. She would not claim the benefits of reservation, with regard to further education, till her claim is decided. The same is marked as “X-1” for identification.

4. The petitioner points out from the family genealogy tree, which is placed on record, that the real uncle ('Sakkhe Kaka') and another relative from the paternal side have been granted the validity. This aspect can surely be noted by the Committee.

5. The learned Counsel representing the Medical University, respondent No. 3, has tendered a document (3 pages), which is a circular No. 03 of 2022 dated 21.09.2020, indicating that all the Colleges are now under a mandate to release the internship certificate to the students. The petitioner has placed the said document on record at page No. 31.

6. In view of the above, the petition is disposed off with a direction to respondent No. 2 -Committee at Aurangabad to ensure that the claim of the petitioner is decided in any case on or before 15th September, 2022. The petitioner shall appear before the Committee on 5th July, 2022 at 12.00 noon. The Committee is at liberty to grant closer dates and the petitioner is restrained from seeking adjournment on unreasonable or trivial grounds. If the conduct of the petitioner indicates causing of delay, the Committee is at liberty to advance to the next stage in the inquiry/proceeding."

(ANIL L. PANSARE)
JUDGE

mahajansb/

(RAVINDRA V. GHUGE)
JUDGE