

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

911 WRIT PETITION NO.7827 OF 2022

**GAGANKUMAR SAYANNA MOKMOD
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS**

...
Advocate for Petitioner : Mr. G.K. Chinchole h/f. Mr. S.M. Vibhute
AGP for Respondent/State : Mr. P.S. Patil
Advocate for Respondent no. 4 : Mr. S.B. Patil
...

**CORAM : RAVINDRA V. GHUGE &
ARUN R. PEDNEKER, JJ.**

DATED : JULY 27, 2022.

PER COURT :

1. The petitioner has put forth prayer clauses 'B' and 'C' as under :-

B) The respondent no. 3 and 4 may kindly be directed to issue Internship Completion Certificate of final year and other required documents to the petitioner without insisting for Tribe Validity Certificate of the petitioner, as the petitioner has successfully completed his MBBS course and also completed his necessary Internship.

C) Pending hearing and final disposal of this Writ petition, the respondent no. 3 and 4 may kindly be directed to issue Internship Completion Certificate and other required documents to the petitioner without insisting for Tribe Validity Certificate of the petitioner, as the petitioner has successfully completed his MBBS course and also completed his necessary Internship.

2. The learned advocate for the petitioner submits, on instructions, that there are four blood relatives from the paternal

side, who have been granted validity certificates by the Committee.

3. In view of the above, we are not issuing notice to respondent nos. 3 and 4 since they are formal parties.

4. The learned advocate for the petitioner submits that akin to the order dated 20.7.2022 passed by this Court in Writ Petition no. 6427/2022 filed by Pankaj Bharat Bhimbarwad Vs. The State of Maharashtra and others, an affidavit undertaking would be filed by the petitioner declaring that he would not seek any further advantage on the basis of his claim that he belongs to 'Mannerwarlu' scheduled tribe category, in relation to education or employment etc.

5. We are informed in other proceedings that the Maharashtra Health University has issued a circular to all the Medical Colleges, directing them not to withhold internship certificate on the ground that the claim for validation is pending.

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

(a) 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 'Mannerwarlu' Scheduled Tribe, either for further education or for employment, until the claim is decided.

(b) On the condition of filing the affidavit, respondent No.4

shall release the Internship Completion Certificate.

- (c) The Degree Certificate of the petitioner shall be withheld by the University, subject to the decision in the claim validation proceedings.
- (d) The vigilance cell enquiry would be completed on or before 30/09/2022.
- (e) The copy of such committee report would be supplied to the petitioner forthwith after it is completed.
- (f) The petitioner shall appear before the Committee on 20/10/2022 at 12.00 noon and submit his written explanation/submissions.
- (g) The Committee shall deliver it's order on or before 15/12/2022.

[ARUN R. PEDNEKER J.]

[RAVINDRA V. GHUGE, J.]

SSC/