

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.15915 OF 2022
IN
WRIT PETITION NO. 6563 OF 2019

PRACHU SHIVAJI PALAMPALLE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS

...
Advocate for Applicant : Mr. Thorat Chandrakant R.
AGP for Respondents-State: Mr. S. K. Tambe
...

CORAM : RAVINDRA V. GHUGE &
SANJAY A. DESHMUKH, JJ.

DATE : 29th November, 2022

PER COURT :

1. The applicant has filed this civil application putting forth prayer clause – ‘B’ as under;

“B. Be pleased to direct the respondent No.3 and 5 to issue the Degree Certificate of M.B.B.S. Course and her Educational Documents in favour of the present applicant, which are withheld (Degree Certificate of M.B.B.S. Course, the Mark-sheet and Certificate of 10th and 12th standard, and Transfer Certificate of M.B.B.S. Court) on the ground of non submission of the Tribe Validity Certificate.”

2. The applicant’s claim of belonging to ‘Koli Mahadev’ Schedule Tribe category has been invalidated by the judgment of the Competent Scrutiny Committee on 24.04.2019 and the writ petition was preferred in this Court. By way of an ad-interim order, this Court

[S. V. Gangapurwala & Mangesh S. Patil, JJ.] passed an order dated 09.08.2019 directing the respondents not to take any coercive action against the applicant on the ground that her caste claim is invalidated. When, this matter came up before a Co-ordinate Bench [Mangesh S. Patil and Sandeep V. Marne, JJ.], the learned advocate was instructed by the petitioner to state that in view of the order passed by the Hon'ble Supreme Court dated 31.01.2022 in Special Leave to Appeal (C) No.866-867/2022 filed by the Maharashtra University of Health Sciences Vs. Madhavi Ramrao Thakur & Ors., the petitioner is ready to wait with liberty to move this matter again. By the said order dated 01.08.2022, civil application No.11031/2022 was disposed off.

3. The learned advocate for the applicant concedes that the prayer put forth before this Court in the present civil application is practically identical. We have perused the earlier civil application No.11031/2022 and we find that all the contentions put forth in the present civil application, have been averred before the Co-ordinate Bench in the earlier civil application.

4. In the light of the above, we would not entertain a second civil application in the same cause, which has already been disposed off earlier.

5. There is one more reason why we would not entertain this civil application. In Maharashtra University of Health Sciences V/s Madhavi Ramrao Thakur & Ors., the Court had passed an interim order directing the health university to release the degree certificate of the concerned candidates. The health university carried the said order dated 08.12.2021 passed in Writ Petition No.326/2019 before the Hon'ble Supreme Court in Special Leave to Appeal No.866-867/2022. The Hon'ble Court, while staying the order of passed by this Court directing release of the degree certificate, has recorded as under;

“The impugned orders are only interlocutory order(s) and we would normally loath to interfere with the same but it amounts to giving relief to the respondent whose admission itself is doubtful as she has not been found to be entitled to validity certificate.

Issue notice.

In the meantime, there shall be stay of operation of the impugned order(s).”

6. It was thus concluded that when the admission of the candidate itself was doubtful and she was found not entitled to the validity certificate, this Court cannot direct release of the degree certificate. In the present case, the applicant has completed her MBBS course during the pendency of her claim. The learned AGP strenuously canvasses on the basis of the record that the present applicant and her father, both tendered a false affidavit before the Committee

declaring that there has been no invalidity amongst any of the blood relatives in the family. In fact, the claims of three blood relatives of the petitioner have been invalidated by the Committee.

7. In view of the above, this Civil Application stands rejected.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE, J.)