

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.16989 OF 2022
IN
WRIT PETITION NO.8442 OF 2021
(Khan Mohammad Mohaddis Ali Mohammad Mehboob Ali Vs. The
State of Maharashtra, Through Principal Secretary and others)

Mrs. U.T. Pathan h/f Mr.T.W.Pathan, Advocate for the applicant.
Mr.P.S.Patil, AGP for the respondent/State.
Mr.S.B.Pulkundwar, Advocate for respondent No.4.

(CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.)

DATE : DECEMBER 19, 2022

PER COURT :

1. Leave to delete respondent No.3 and correct prayer clause "B".
Correction be carried out forthwith.
2. The petitioner/ applicant prays for issuance of Internship Certificate for the purpose of completing the bond period. His claim of belonging to the "Tadvi ST Committee", has been invalidated.
3. The learned Advocate representing the Health University relies upon the order passed by the Hon'ble Supreme Court dated 31.01.2022

in the case of **Maharashtra State of Health Science Vs. Madhavi Thakur and another, Spl.Leave to Appeal No.866-867/2022** wherein the Hon'ble Supreme Court has held as under :-

" Applications for exemption from filing c/c of the impugned judgment and official translation are allowed.

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)."

4. In the case of Madhavi Thakur (supra), this Court had passed an order on 04.02.2020 directing the release of the decree certificate when the claim of the student was invalidated. In the present case also, the petitioner's claim has been invalidated. As such, we are not entertaining this petition to the extent of releasing the degree certificate. The application is restricted to issuance of Internship Certificate so as to complete the bond period.

5. The petitioner would tender an affidavit undertaking in this

Court and furnish copies of the same to respondent Nos. 4 and 5 Health University and the Government Ayurvedic College, Osmanabad, on or before 05.01.2023, mentioning in the undertaking that the petitioner would not claim any further benefits on the basis of the reservation and in the event, the petitioner suffers adverse orders in the pending litigation, he would be bound by the ratio laid down in **Chairman and Managing Director, Food Corporation of India and others Vs. Jagdish Balaram Bahira and others (2017) 8 SCC 670**.

6. On the condition of tendering such affidavit undertaking, this application is partly allowed with a direction to the concerned respondent to issue the Internship completion certificate to the petitioner. No equities would be created in favour of the petitioner by this order.

(SANJAY A. DESHMUKH, J.) (RAVINDRA V. GHUGE, J.)