

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12706 OF 2019

Mubhashira Mohd. Iqbal Shaikh ... Petitioner.
V/s.
The State of Maharashtra, through
Secretary Health & Education & Others ... Respondents.

Mr. Ganesh Gole i/b Mr. Ritesh Ratnam for the Petitioner.
Mr. Rajesh Kanojia i/b Res Juris for Respondent No. 3.
Mr. V.M. Thorat for Respondent No. 4.

**CORAM : NITIN JAMDAR AND
AMIT B. BORKAR, JJ.**

**DATE : 4 JANUARY 2022.
(Through Video Conferencing)**

P.C. :

Heard learned Counsel for the parties. The Petitioner has prayed for a simplistic direction to the Respondents to issue Internship Completion Certificate and M.B.B.S. degree to the Petitioner.

2. Though the direction sought for is simplistic, the Petitioner has over-looked the statutory mandate laid down in Section 10 of the

Maharashtra Scheduled Castes, Scheduled Tribes, De-Notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 and the decision of the Supreme Court in the case of *Chairman and Managing Director, Food Corporation of India & Others v Jagdish Balaram Bahira & Others*¹ which is applicable to the facts of the Petitioner's case.

3. The Petitioner had taken admission to the course conducted by the Respondent No. 4 – institution which is affiliated to the Respondent No. 3 – Maharashtra University of Health Science, Nashik. The Petitioner had taken admission on the basis of her caste certificate. While pursuing her studies, the caste certificate was not only found to be invalid but also an FIR was lodged which stated that there was a scam in admission with bogus caste certificates which involved around nine students, including the Petitioner. It is because of this situation that the Respondent – institution has canceled the admission and refused to issue the Internship Completion Certificate and M.B.B.S. degree to the Petitioner.

4. The Section 10 of the Act of 2000 lays down that upon a certificate being found to be obtained with false and fraudulent means, the candidate will lose all the benefits. The Supreme Court in the case of *Food Corporation of India* has underscored this statutory position.

¹ (2017) 8 SCC 670.

5. Therefore, the relief as sought for by the Petitioner, i.e. a direction to the Respondent to issue Internship Completion Certificate and M.B.B.S. degree cannot be issued.

6. The Writ Petition is accordingly rejected.

(AMIT B. BORKAR, J.)

(NITIN JAMDAR, J.)