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

903 WRIT PETITION NO.992 OF 2023

**PRATIK SANJAY PANDIKAR  
VERSUS  
THE STATE OF MAHARASHTRA THROUGH ITS  
SECRETARY AND OTHERS**

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Mr V. U. Jadhav, Advocate for petitioner;  
Mr P. S. Patil, A.G.P. for respondent Nos.1 and 2  
Mr S. B. Pulkundwar, Advocate for respondent No.3

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

**DATE : 24<sup>th</sup> January, 2023**

**PER COURT:**

1. We have considered the strenuous submissions of the learned Advocate for the petitioner, the learned Advocate for respondent No.3 and the learned A.G.P. appearing on behalf of respondent Nos.1 and 2. There is no dispute that respondent No.4 is a formal party and is not required to be heard.

2. The petitioner's claim of belonging to the 'Mannervarlu' - Scheduled Tribe, is pending adjudication with the Competent Committee from 06/03/2016. He has secured admission to the B.H.M.S. Course in 2016. He filed Writ Petition No.10837/2017.

(2)

By an order dated 15/09/2017, this Court directed the Committee to decide his claim within 9 months and permit him to appear for the First Year examination, followed by declaration of the result. The petitioner, thereafter, preferred Writ Petition No.4204/2018. By an order dated 25/04/2018, this Court directed the petitioner to tender an undertaking that, if his claim is invalidated, he would pay the full fees for all previous years in the academic curriculum. Thereafter, the petitioner preferred Writ Petition No.506/2022. By an order dated 11/01/2022, this Court directed the Committee to decide the claim within four months. The petitioner was permitted to prosecute his Internship course since his claim was yet not invalidated by the Committee.

3. We have every reason to be surprised and astonished by the conduct of this Committee. Three orders were passed by this Court, in a period of four years. In each order, this Court directed the Committee to decide the claim within a particular time frame. This Court showed a lot of patience with the said Committee, by ignoring that they have violated the first order dated 15/09/2017, followed by the second order dated 25/04/2018 and then the third order dated 11/01/2022.

(3)

4. Time and again, we have warned the Committee that, it should abide by the orders passed by this Court. Recently, we have issued directions to the State Government to intimate all the Committees that, if they are unable to decide the claim within a particular time frame, as directed by the Court, they should apply to this Court through a civil application and seek extension of time. What we have noticed is, that this is seldom done. The Committee waits for the litigant to file either a second or a third petition or a contempt petition and gets away with the repeated acts of disobedience of the directions of this Court. We have not come across even a single civil application filed by the Committee before us seeking extension of time by assigning reasons, as to why the directions of the Court could not be complied with.

5. In the above backdrop, the petitioner finds himself in a peculiar situation. He prays for the Original Certificate, the Internship Completion Certificate and the Degree Certificate, so as to pursue Post Graduate Medical Course. He has already applied for the PG course from the 'Open Category', which he was compelled to, as his claim was not decided. He, therefore, is prepared to pay the fees that are required to be paid by a candidate from the 'Open Category'.

6. The learned A.G.P. has vehemently attempted to defend the Committee. He, however, has no explanation as to why three orders of this Court were not enough to alert the Committee to expedite the proceedings. He also requests for not imposing costs personally on the members of the Committee, since there have been changes in the constitution of the Committee and those, who may be responsible for the delay, may have left the said Committee. He further submits that there is a huge pendency with the Committee.

7. By an order dated 31/01/2022, the Hon'ble Supreme Court stayed the interim order of this Court, directing the Maharashtra University of Health Sciences, to release the Degree Certificate of the student, namely, Madhavi Ramrao Thakur. The Hon'ble Supreme Court has recorded in the said order, passed in Petition for Special Leave to Appeal (Civ.) 866-867/2022, that directing the release of a Degree Certificate amounts to giving relief to the candidate, whose admission itself is doubtful, as she has not been found to be entitled to a validity certificate. The distinction in the case of Madhavi Thakur (supra) and the case in our hands is, that the petitioner's claim is yet to be invalidated.

(5)

8. It is in such circumstances, that we are directing the University of Health Sciences to release the original documents as well as the Internship Completion Certificate, so that the petitioner can pursue his Post Graduation from the 'Open Category'. We are not directing the release of the Degree Certificate.

9. Needless to state, if, ultimately, the petitioner is held to be dis-entitled for a validity certificate, the law laid down by the Hon'ble Supreme Court in **Chairman and Managing Director, Food Corporation of India and others Vs. Jagdish Balaram Bahira and others, (2017) 8 SCC 670**, would apply to the case of the petitioner. So also, the petitioner would tender an affidavit undertaking to the Health University and a copy to be filed in this Court, within a period of 21 days from today, declaring that, if his claim is eventually invalidated, he would return the Degree Certificate and disassociate himself with the medical profession in the light of the **Chairman and Managing Director, Food Corporation of India and others** (supra).

10. This petition is, therefore, disposed off with the following directions :-

(6)

(a) The Competent Committee would decide the claim of the petitioner, on or before 31/03/2023 and shall not seek an extension of even one day.

(b) The petitioner would render wholehearted cooperation to the Committee. He tenders his E-mail Address as 'Pratikpandikar601@gmail.com' and his registered Mobile Number as '7620157935'.

(c) We are imposing costs of Rs.10,000/- on the Committee, to be deposited in this Court, for having not complied with our three orders passed over a period of five years. The petitioner is at liberty to withdraw the said amount as costs.

(d) Respondent Nos.3 and 4 shall release the Original Certificate and the Internship Completion certificate of the petitioner, on or before 31/01/2023, since the claim of the petitioner is still not invalidated and in view of the affidavit undertaking.

**(SANJAY A. DESHMUKH, J.)**

**(RAVINDRA V. GHUGE, J.)**

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