

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

957 CIVIL APPLICATION NO.2925 OF 2023
IN WP/4569/2021

ASHWINI GANGAYYA ANNAMWAR
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY
AND OTHERS

...
Advocate for Applicant : Mr. Sunil M. Vibhute
AGP for Respondent Nos. 1 to 3: Mr. S.K. Tambe
Advocate for Respondent No.4 : Mr. A.S. Bayas

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**CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.
DATED : 3rd MARCH, 2023.**

PER COURT :-

1. The Petitioner-Applicant is a student of a Medical College. She has completed her M.B.B.S. course. She needs internship completion certificate for completing the Bond period. Her claim of belonging to Mannervarlu Scheduled Tribe, has been rejected by the Committee and a Writ Petition, challenging the same, is pending.

2. The Petitioner-Applicant has filed an affidavit undertaking, which is taken on record and marked as "X" for identification, stating therein that if she fails in this litigation and does not receive the validity certificate, she would;-

a) surrender all marks memo/certificates, pertaining to

M.B.B.S. or P.G. course.

- b) not take benefit of reservation for the P.G. course and would apply from open category.
- c) disassociate herself from the medical profession and would never continue with the same.

3. The learned A.G.P. opposed this application, citing an order of the Hon'ble Supreme Court dated 31.01.2022, passed in ***Petition(s) for Special Leave to Appeal (C) No(s). 866-867/2022 (Maharashtra University of Health Sciences vs. Madhavi Ramrao Thakur and others***, vide which the ad-interim order that was passed by this Court, granting degree certificate, has been stayed on the ground that very admission of the candidate is rendered doubtful due to the invalidation.

4. The learned advocate for the Petitioner submits that she would not take any advantage of reservation on the basis of her claim of belonging to Mannervarlu Scheduled Tribe.

5. Considering the affidavit undertaking and more particularly, a statement that if the Petitioner fails in the litigation, before this Court, she would surrender all original documents, certificates and would disassociate herself from the profession that, we are partly allowing this Civil Application by directing the University and College to release the internship completion certificate for

completing the Bond period, to the Petitioner within two weeks. We direct that the degree certificate would not be released.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE , J.)

rlj/