

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

**CIVIL APPLICATION NO.4501 OF 2023
IN WP/1418/2022
WITH
WRIT PETITION NO.1418 OF 2022**

**VIVEK VITTHAL SHAMANTE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS**

...
Advocate for the Applicant/ Petitioner : Shri V.D. Sapkal, Senior
Advocate i/by Shri Bhausahab B. Bhise, Advocate
AGP for Respondents 1 to 3/State : Shri S.P. Tiwari
Advocate for Respondent 4 : Shri S.P. Brahme
Standing Counsel for Respondent 6 : Shri B.M. Dhanure
...

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

DATE :- 13th April, 2023

Per Court :-

(a) Civil Application No.4501/2023:-

1. The Applicant has put forth prayer clause B as
under:-

*“B. The Respondent No.4 may kindly directed to
declare the result of the Applicant for 3rd year
2nd Semester-2021 of MBBS course and to
allow the applicant to appear and complete his
internship and get the degree certificate of
MBBS Course without insisting for Schedule*

Tribe Validity Certificate of the Applicant.”

2. When the Writ Petition was heard by this Court on 31.01.2022, the following order was passed:-

- “1] The caste claim of the petitioner is invalidated. The petitioner is studying in 3rd Year MBBS course.*
- 2] Issue notice to the respondents, returnable on 28.02.2022. Learned AGP waives notice for respondent nos.1 to 3.*
- 3] Till next date, in case the petitioner is otherwise eligible, then the petitioner may not be refrained from prosecuting his studies for Third Year MBBS Course only on the ground that the caste claim of the petitioner is invalidated.”*

3. We have considered the submissions of the learned Senior Advocate on behalf of the Applicant and the learned Advocates appearing for the respective Respondents.

4. Educational record of the Petitioner clearly indicates that he is a high scoring student and has consistently scored high ranks, be it the Entrance Examination or regular MBBS curriculum. This Court had protected his educational curriculum by the first order. The second cousin of the Petitioner (whose grandfather Gangaram is the biological brother of the grandfather of the Petitioner, Poshatti), has been granted the validity

certificate by the Committee.

5. Considering the above, as the Petitioner needs to complete his internship and since an interim order was already passed earlier, **this Civil Application is partly allowed** to the extent of permitting the Applicant/ Petitioner to pursue his internship, subject to the declaration of the result of the third year (second semester), 2021 of MBBS examination. The University shall, therefore, declare the result of the Applicant/ Petitioner of the said examination forthwith.

(b) Writ Petition No.1418/2022:-

6. Leave to add the Director General of Health Services, Government of India, as Respondent No.6 in the Writ Petition. Addition be carried out forthwith.

7. Issue notice to the added Respondent No.6 in the Writ Petition. The learned Standing Counsel for the Union of India waives service of notice.

8. List the Writ Petition for final hearing at admission stage on 06.06.2023.