



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

913 CIVIL APPLICATION NO.5492 OF 2024
IN WP/11086/2019

FAROOQUI MAHVISH FATEMA MUJAHED FAROOQUI
VERSUS
THE STATE OF MAHRASHTRA AND OTHERS

...
Mrs. A. N. Ansari, Advocate for Applicant.
Mr. R. S. Wani, AGP for Respondent Nos.1 and 2 – State.
Mr. Anandsingh Bayas, Advocate for Respondent No.3.
Mr. Y. B. Bolkar, Advocate for Respondent No.4.
...

CORAM : MANGESH S. PATIL AND
SHAILESH P BRAHME, JJ.

DATE : 19 JUNE 2024

ORDER :-

This is a civil application moved by the original petitioner seeking direction to the respondents for issuance of Internship completion certificate and degree certificate for pursuing further studies.

2. We have heard both the sides.

3. The dispute being raised by the petitioner is regarding her entitlement to be considered for EBC facility. Admittedly, she has secured admission in the respondent – Institute way back in the year 2018-2019. There is a record to demonstrate that she had paid the full fees for the first year. It is being stated that even she has been found entitled to EBC facility for the third and fourth academic year while

completing the M.B.B.S. course. However, in respect of her claim for EBC facility for the academic year 2019-2020, her application was rejected. For want of payment of complete fees for that academic year, apparently, her certificates are being withheld.

4. It is indeed true that the Management is interested in getting the fees reimbursed. *Prima facie* when the petitioner has been found entitled to EBC claim for the last two academic years, we have no doubt that even ultimately she would be held entitled to claim EBC facility even for the second year, which has been rejected. Though there has not been any challenge to that rejection order, her learned Advocate submits that now the petitioner would seek suitable amendment.

5. Considering the entire conspectus of the matter, though the issue being raised by the Management that the petitioner had secured admission in the institutional quota in the MOP-UP round and would not be entitled to claim EBC facility, in the peculiar facts and circumstances of the case, keeping alive that issue, the application deserves to be allowed so that the petitioner can pursue her further education, however, with usual rider of undertaking to reimburse the institute, if and when so ordered.

6. Civil Application is allowed.

7. The respondents shall issue Internship completion certificate and degree certificate to the petitioner immediately, however, it shall be subject to the final outcome of the writ petition and subject to the applicant furnishing affidavit before the Registrar of this Court expressly undertaking to reimburse the Management/State as directed by the Court.

8. The applicant shall after submitting the affidavit furnish its certified copy before the Institute.

[SHAILESH P. BRAHME]
JUDGE

[MANGESH S. PATIL]
JUDGE

scm