

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CIVIL JURISDICTION**

WRIT PETITION NO. 14440 OF 2024

Dhananjay Satyawar Balwante And Anr
V/S

....Petitioners

State Of Maharashtra & Ors

....Respondents

Ms. Komal D. Gaikwad i/b Mr. R K Mendadkar for Petitioner
Mr. V. M. Mali, AGP for the Respondent Nos. 1 & 2

**CORAM : RAVINDRA V. GHUGE &
M. M. SATHAYE, JJ.**

DATE : 22nd OCTOBER, 2024.

P.C.:-

1. Heard the learned Advocate for the Petitioners and the learned AGP for the Respondent-State.

2. The learned AGP submits that, the hearing in the pending claims of the Petitioners commenced in May, 2022. He has produced the copy of the Rozanama to impress upon us that the Rozanama would indicate that practically on each occasion, barring a few instances, the Petitioners were seeking an adjournment. Even on 16/10/2024, the Petitioners made a request that they want to lead further evidence and sought an adjournment. The matter is posted on 14/11/2024. He takes a strong objection to the filing of this Petition in September, 2024 and the Petitioners seeking series of

adjournments before the Committee. He, therefore, contends that this is a peculiar case in which this Court should decline to issue any timeline in the matter.

3. The learned Advocate for the Petitioners submits, on instructions, that on 14/11/2024, they would not seek any further adjournment and are agreeable for the matter being closed for judgment. This statement is made on instructions.

4. The learned Advocate for the Petitioners submits that both the Petitioners have cleared their MBBS Course. Their exams are over. The counselling for PG Course would commence from 25/10/2024. They pray for protection.

5. The learned AGP points out 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 AIR SC 3271*, to support his contentions that if the claim of a student is invalidated, he is not to be granted provisional admission.

6. In view of above and to balance the equities, we direct both the Petitioners to file their Affidavit Undertaking in this Court, even during vacation, within a period of 21 days from today, declaring therein that if

their claims are invalidated, either by the Committee or by any Court, thereafter, they would surrender their marks' memo of their educational course / exams and would also surrender their MBBS degrees. Copy of this Affidavit Undertaking would also be served on the Dean of the Respondent No. 4-Medical College, within the same timeline.

7. On the condition of filing an affidavit Undertaking, we direct Respondent No. 3 to release the degree certificates and internship certificates of these Petitioners. If the Committee invalidates the claims of the Petitioners, their very admissions to the MBBS Course would be covered by the law laid down in *Chairman and Managing Director, Food Corporation of India and others (supra)*. We, therefore, would not pass any order with regard to further admission for P.G. Course. In these circumstances, we direct the Committee to deliver its order by closing the proceedings on 14/11/2024, on or before 31/12/2024.

8. With above directions, **this Writ Petition is disposed off.**

(M. M. SATHAYE, J.)

(RAVINDRA V. GHUGE, J.)