

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

WRIT PETITION NO. 6438 OF 2015

Nilesh s/o Sopanrao Raut
& others

.. PETITIONERS

VERSUS

The State of Maharashtra
& others

.. RESPONDENTS

Mr. N.V. Gaware, advocate holding for Mr. N.R. Avhad, advocate for petitioners.

Mr. S.G. Karlekar, AGP for the State.

Mr. A.V. Hon, advocate for respondents 5 and 6.

=====

CORAM : R.M. BORDE &

V. K. JADHAV, JJ.

DATE : 28TH SEPTEMBER, 2015.

PER COURT :

1. The point involved in the matter referable to re-imbusement of fees to the students who belong to reserved category is dealt with in the judgment delivered at Mumbai in Writ Petition No. 5190/2013 and other companion matters decided on 09.09.2014. The Division Bench of this court, following the decision rendered in petition referred above, has allowed the petitions presented by the institutions bearing Writ Petition No. 8779/2014 and other companion matters on 29.01.2014.

2. In the instant matter, the students, who are sufferers on account of incorporation of clause no. 14 in the impugned Government Resolution, have approached this Court. Except the fact that in the instant petition the students have approached this Court whereas in the earlier matters referred

to above, the institutions were before the Court, there does not appear to be any other difference. Instant petition, as such, can be safely disposed of by issuing identical order as has been issued in Writ Petition No. 8779/2014.

3. Writ petition is thus allowed. It is declared that clause no. 14 in the impugned Government Resolution shall not affect the right and entitlement of petitioners / students for the academic year 2013-2014 as well as the identical policy, if any, adopted by the Government for the subsequent year shall also not apply. Petitioners shall be entitled to fees reimbursement and all other related benefits based on the earlier Government policy / circular issued prior to the impugned Government Resolution (in respect of students belonging to specified reserved category admitted through Central Admission Process). It is clarified that the order has been issued on consideration of the judgments referred to above and, that this Court has not dealt with the powers of the State Government to frame policy or otherwise. Respondent – State authorities are directed to extend benefits of fees re-imbursement to petitioners / students as expeditiously as possible, preferably within a period of six months from today. Writ petition stands disposed of accordingly.

(V. K. JADHAV)
JUDGE

dyb

(R. M. BORDE)
JUDGE