

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

WRIT PETITION NO. 6738 OF 2015

Jai Javan Jai Kisan Shikshan Prasarak
Mandal Through its Secretary and ors. .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Shri A. V. Hon, Advocate for Petitioners.

Shri K. J. Ghute Patil, A.G.P. for Respondent Nos. 1 to 5.

**CORAM : S. V. GANGAPURWALA AND
V. K. JADHAV, JJ.**

DATE : 07TH JULY, 2015.

PER COURT :

. The petitioners claim reimbursement of fees in respect of reserved category candidates for the years 2011-2012 and 2012-2013.

2. We have heard Mr. Hon, learned counsel for petitioners. The contention of the petitioners is that for the period prior to 2012-2013 and for the period from 2013-2014, the petitioners are being reimbursed the tuition fees and other fees of reserved category candidates in respect of ANM and GNM course. According to the learned counsel, reimbursement of the fee for the years 2011-2012 and 2012-2013 has been illegally withheld and the petitioners are entitled for the same.

3. Mr. Ghute Patil, learned Assistant Government Pleader submits that in view of clause (9) of the Government Resolution dated

21st March, 2005, as the petitioners had not obtained permission of the Government, the reimbursement of the fees is not granted. It is only after the judgment of the Division Bench of this Court in PIL No.72 of 2013, the petitioners are being given reimbursement of fees for the subsequent years.

4. We have considered the submissions canvassed by the learned counsel for the respective parties. Clause (9) of the Government Resolution dated 21st March, 2005 has been held to be ultra vires and illegal by the Division Bench of this Court in PIL No.72 of 2013. When the said clause itself has been set aside and held to be illegal and not in consonance with the statute, then only because the said PIL was pending, the State would not be entitled to withhold reimbursement of the fees for the years 2011-2012 and 2012-2013.

5. In light of the above, the Respondent – State is directed to release the tuition fees/ examination fees of the students of the petitioners School for the reserved category students of ANM/ GNM course for the academic year 2011-2012 and 2012-2013, expeditiously, preferably within three (03) months from today.

6. The writ petition accordingly, stands disposed of. No costs.

[V. K. JADHAV, J.]

[S. V. GANGAPURWALA, J.]