IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

13 **WRIT PETITION NO. 7207 OF 2015**

AURANGABAD GRAMIN YUVAK KALYAN MANDAL THROUGH ITS PRINCIPAL NANDINI VIJAYANAND BAGADE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
...

14 **WRIT PETITION NO. 7208 OF 2015**

MANIK HOSPITAL ADN RESEARCH CENTERS THROUGH ITS DIRECTOR ULHAS MANIKRAO KONDPALLE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
...

15 **WRIT PETITION NO. 7209 OF 2015**

KASHI SHIKSHAN PRASARSAK MANDAL THROUGH ITS PRINCIPAL SANKET MAHADEO POTE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
...

16 **WRIT PETITION NO. 7210 OF 2015**

SANGAMNER MEDICAL FOUNDATION AND RESEARCH INSTITUTES THROUGH ITS PRESIDENT ASHOK WAMANRAO ITHAPE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
...

104 **WRIT PETITION NO. 6943 OF 2015**

KAMLA NEHRU EDUCATION SOCIETY THROUGH ITS SECRETARY PREMRAJ PRABHAURAO PATIL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
...
Advocate for Petitioner : Mr. C.A Jadhav
AGP for Respondents: Mr. K G Patil
...

19 **WRIT PETITION NO. 7213 OF 2015**

NANDED MEDICAL FOUNDATION THROUGH ITS SECRETARY
SAVITA M BHALERAO

VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
...
Advocate for Petitioners : Mr. Hon Ashwin V.
AGP for Respondents: Mrs S A Dhumal
...

26 **WRIT PETITION NO. 7223 OF 2015**

MAHATMA PHUE GRAMIN VIKAS SEVA BHAVI SANSTHA
THROUGH ITS SECRETARY AND ANOTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER
...
Advocate for Petitioners : Mr. Jadhavar Santosh S.
AGP for Respondents: Mr. S S Tope
...
CORAM : S V GANGAPURWALA & V.K. JADHAV, JJ.
Dated: July 20, 2015
...

PER COURT :

1. 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.C.A.Jadhav, Mr. A.V. Hon and Mr. S.S. Jadhavar, learned counsels for petitioners in respective writ petition. 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. Learned AGP 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 approved students of the petitioners School for the reserved category students of ANM/ GNM course admitted 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.]**

....

aaa/-