

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

WRIT PETITION NO. 7381 OF 2015

Shiva Trust Aurangabad Through
its President .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

**WITH
WRIT PETITION NO. 7385 OF 2015**

Sai Disha Samajik Vikas Sanstha,
Aurangabad through its President .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

**WITH
WRIT PETITION NO. 7387 OF 2015**

Sai Disha Samajik Vikas Sanstha,
Aurangabad through its President .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

**WITH
WRIT PETITION NO. 7415 OF 2015**

Sakhar Kamgar Hospital Trusts
through its Managing Director .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Chandrakant A. Jadhav, Advocate for the Petitioner in all matters.

Shri S. G. Sangle, A.G.P. for Respondents/State in all matters.

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

DATE : 22ND JULY, 2015.

PER COURT :

. In all these matters, the petitioners claim reimbursement of fees in respect of reserved category candidates for the years 2011-12 and 2012-13.

2. We have heard Mr. Jadhav, learned counsel for the petitioners. The contention of the petitioners is that for the period prior to 2012-13 and for the period from 2013-14, 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 2011-12 and 2012-13 has been illegally withheld and the petitioners are entitled for the same.

3. Mr. Sangle, 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 fee 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 virus 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 2011-12 and 2012- 13.

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 for the academic year 2011-12 and 2012-13, expeditiously and preferably within period of three (3) months from today.

6. Writ petitions accordingly, stand disposed of. No costs.

[V. K. JADHAV, J.]

[S. V. GANGAPURWALA, J.]