

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

WRIT PETITION NO. 8412 OF 2015

Shivanjali Bahhudesiya Sanstha's
Kopergaon Nursing School (RANM)
Through its Secretary .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

**WITH
WRIT PETITION NO. 8419 OF 2015**

Shivanjali Shaikshanik Va Samajik
Sanstha's Sai Care Nursing College
(RANM & RGNM) Through Its Principal.. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Narendra D. Sonavane, Advocate for the Petitioner in both matters.

Shri S. S. Tope and Shri K. J. Ghute Patil, A.G.P. for Respondents/State.

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

DATE : 13TH AUGUST, 2015.

PER COURT :

. Heard.

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

3. We have heard Mr. Sonavane, learned counsel for the 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. The learned Assistant Government Pleaders in respective writ petitions submit 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 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 2011-2012 and 2012-13. The condition of

suitability certificate is imposed vide Government Resolution dated 27.3.2014. The directions with regard to reimbursement of fees is for the years 2011-12 and 2012-13. The said condition was not relevant for the said period.

5. In light of the above, the Respondent –State is directed to release the tuition fees/examination fees of the approved students of the petitioner Schools 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, without insisting for the suitability certificate for the period 2011-12, 2012-13. The writ petitions are accordingly disposed of.

6. The petitioners shall pay the deficit court fees.

[V. K. JADHAV, J.]

[S. V. GANGAPURWALA, J.]