

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.5165 OF 2015

[Shirish s/o Prakash Ranguwar .vs. State of Maharashtra and others]

AND

WRIT PETITION NO.5166 OF 2015

[Subham s/o Subash Nandanwar .vs. State of Maharashtra and others]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri S.G. Karmarkar, counsel for the petitioners,
Shri A.S. Fulzele, Addl. Government Pleader for the respondent nos.1 and 2.

CORAM : SMT. VASANTI A. NAIK AND
A.I.S. CHEEMA, JJ.

DATED : SEPTEMBER 08, 2015.

Since the issue involved in these petitions is identical and since the relief sought by the petitioners in the petitions is similar, they are heard together and are decided by this common order.

The petitioners were admitted in the first year M.B.B.S degree course in the college of the respondent no.3 in the academic session 2014-15. According to the petitioners, the petitioners deposited the development fees, eligibility fees and regularly attended the first year classes. It is the case of the petitioners that as per the policy of the Government, the petitioners were exempted from payment of tuition fees. According to the petitioners, the respondent no.3 issued the impugned communication on 15.4.2015 asking the petitioners to pay the entire dues/fees for the first year M.B.B.S. degree course. The petitioners have challenged the impugned communication and also the Government Resolution dated 30.3.2015.

Shri Fulzele, the learned Additional Government Pleader appearing on behalf of the respondent nos.1 and 2, states that the petitioners would not be entitled to free-ship and they are not exempted from payment of tuition fees. It is stated that only the

students of the reserved categories that are admitted through the Centralized Admission Process are entitled to free-ship. It is stated that admittedly the petitioners are not admitted from the Centralized Admission Process and they are admitted in the respondent no.3-college after Centralized Admission Process was complete and the seats remained vacant. It is stated that a similar issue arose for consideration in Writ Petition Nos.4822/2013 and 3848/2013 and this court has, by the judgment dated 18.7.2014, upheld the validity of a similar Government Resolution and had held that the students admitted in the colleges in the academic session 2013-14, after the completion of the Centralized Admission Process, would not be entitled to scholarship. Even before the petitioners were admitted to the M.B.B.S. course, the Government Resolution dated 4.3.2014 was governing the free-ship. The petitioners cannot rely on the Government Resolution, dated 4.3.2014, as according to the Government Resolution, dated 4.3.2014, only the students admitted in the colleges through the Centralized Admission Process are entitled to free-ship and are exempted from payment of tuition fees. Since, it is averred in the petition that the petitioners were admitted after the Centralized Admission Process is complete, the petitioners cannot be entitled to seek free-ship/scholarship. A similar issue has been decided against the petitioners in Writ Petition No.4822/2015 and others by the judgment, dated 18.7.2014.

Since there is no merit in the writ petitions, the writ petitions are dismissed, with no order as to costs.

JUDGE

JUDGE