

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 4915 OF 2014

Dudishwar S/o Manohar Sursaut and others

-vs-

State of Maharashtra and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr.R.K.Borkar, counsel for the petitioners.
Mr.A.S.Fulzele, AGP for the respondent Nos.1 to 4.
Mr.A. Dixit, counsel for the respondent No.5.

CORAM : SMT.VASANTI A. NAIK &
PRASANNA B. VARALE, JJ.

DATE : 22.06.2015.

By this petition, the petitioners seek a direction to the respondents to release the scholarship and tuition fees of the petitioners and reimburse the same to Gondia Homeopathic Medical College and Hospital.

Shri Fulzele, the learned Assistant Government Pleader appearing for the respondent Nos.1 to 4, states that Gondia Homeopathic Medical College and Hospital had filed a writ petition bearing Writ Petition No.3848 of 2013 seeking a direction to the State Government to release the scholarship amount and refund the tuition fees of the reserved category students admitted by the said Medical College during the Academic Session 2012-13 even if the students were not admitted in the Health Science Degree Course through the centralized admission process. It is stated that this Court has, by a judgment, dated 18/07/2014, dismissed the writ petition filed by Gondia Homeopathic Medical College and Hospital. It is submitted that after the said petition was dismissed, the present petition is filed by the students of Gondia Homeopathic Medical College and

Hospital seeking the relief in favour of Gondia Homeopathic Medical College and Hospital. It is stated that though the petitioners have not been admitted through the centralized admission process in Gondia Homeopathic Medical College and Hospital, the petitioners have sought a direction to the State Government to reimburse their fees to Gondia Homeopathic Medical College and Hospital.

On hearing the learned counsel for the parties, it appears that the petitioners would not be entitled to the relief sought. The petitioners are seeking a relief for Gondia Homeopathic Medical College and Hospital. Though it is stated on behalf of the petitioners that they are admitted through the centralized admission process, it is specifically stated by the respondent No.4 in the affidavit-in-reply that the petitioners have not been admitted in Gondia Homeopathic Medical College and Hospital from the Government Quota through the common entrance test. It is stated in paras 3 and 4 of the affidavit-in-reply that no permission is secured from the Government while granting admission to the petitioners. It is stated that Gondia Homeopathic Medical College and Hospital has admitted the petitioners in the seats that remained unfilled in the process. The petitioners would, therefore, not be entitled to claim the reimbursement of their fees to Gondia Homeopathic Medical College and Hospital, more so, when the writ petition filed by Gondia Homeopathic Medical College and Hospital has been dismissed by this Court.

For the reasons aforesaid, the writ petition is dismissed with no order as to costs.

JUDGE

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