

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

Writ Petition No. 1744 of 2016

District : Latur

Dhanwantari Shikshan &
Samajik Pratisthan's
Saint Tukaram Institute of Nursing
Education, Ahmedpur,
Lecture Colony, Thodga Road,
Ahmedpur, Taluka : Ahmedpur,
District : Latur,
Through its President,
Dr. Hanumant s/o. Rambhau Jadhavar,
Age : 57 years,
Occupation : Service,
R/o. Jadhavar Building,
Near Trimurti Hospital,
Pune - 64.

.. Petitioner.

versus

1. The State of Maharashtra,
Through its Secretary,
Medical Education and
Drugs Department,
Mantralaya, Mumbai - 32.
2. The Secretary,
Social Justice & Special
Assistance Department,
Maharashtra State,
Mumbai.
3. The Commissioner,
Social Welfare Department,
Maharashtra State, Mumbai.
4. The Director,
V.J.N.T., O.B.C. & S.B.C.,
Social Welfare Department,
Maharashtra State, Pune - 1.

.. Respondents.

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Mr. K.D. Bade Patil, Advocate, for the petitioner.

*Mr. S.K. Kadam, Asst. Government Pleader, for
respondent nos.1 to 4.*

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**CORAM : S.S. SHINDE &
SANGITRAO S. PATIL, JJ.**

DATE : 6TH MAY 2016

ORAL JUDGMENT (Per S.S. Shinde, J.):

Heard.

2. The learned Counsel appearing for the petitioner submits that the court-fees which will be calculated by the concerned Section of the Registry will be deposited by the petitioners within a period of three weeks from today.

3. Rule. Rule made returnable forthwith. By the consent of the parties, the petition is taken up for final hearing.

4. The learned Counsel for the petitioner, on written instructions received by him from the

petitioner, submits that in all there are 55 students for which the petitioner is seeking reimbursement of fees from the State Government for the academic years 2011-12, 2012-13 and 2013-14. He further states that all the students belong to Scheduled Caste category and relief claimed in the petition is also restricted to the said category.

5. We have heard Mr. Bade-Patil, learned counsel for the petitioner. The contention of the petitioner is that for the period prior to 2010-2011, the petitioner was granted reimbursement of the tuition fees and other fees of S.C. and S.T. category candidates in respect of ANM and GNM course. According to the learned counsel, reimbursement of the fee for the years 2011-12, 2012-13 and 2013-14 has been illegally withheld and the petitioner is entitled for the same.

6. Mr. Kadam, the learned Assistant Government Pleader submits that in view of clause (9) of the Government Resolution dated 21st March, 2005, as the

petitioner had not obtained permission of the Government, the reimbursement of the fees was not granted.

7. 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 P.I.L. 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, only because the said P.I.L. was pending, the State would not be entitled to withhold reimbursement of the fees. The condition of suitability certificate is imposed vide Government Resolution dated 27.3.2014. The prayer of the petitioner with regard to reimbursement of fees is for the years 2011-12, 2012-13 and 2013-14. The State is at liberty to verify the entitlement of the present petitioner keeping in view the Government policy, for reimbursement of the fees and other factual particulars. We have not expressed any opinion on

merit of the petition.

8. In light of the above, the respondent – State is directed to consider the prayer for reimbursement of the tuition fees/examination fees of the approved students of the petitioner – Institute for Scheduled Caste category students of ANM/GNM course admitted for the academic years 2011-12, 2012-13 and 2013-14, expeditiously, preferably within three (03) months from today.

9. Rule accordingly made absolute in above terms. No costs.

(SANGITRAO S. PATIL)
JUDGE

(S.S. SHINDE)
JUDGE

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